

DOCUMENT RESUME

ED 436 038

EC 307 501

AUTHOR Bolding, Nancy L.
TITLE Making America Livable: An Easy-to-Understand Training on Titles II and III of the Americans with Disabilities Act: Trainer's Guide.
INSTITUTION ARC of the United States, Silver Spring, MD.
SPONS AGENCY Department of Justice, Washington, DC.
PUB DATE 1999-00-00
NOTE 154p.; Two audio cassettes not available from ERIC.
AVAILABLE FROM The Arc Publications Desk, 3300 Pleasant Valley Lane, Suite C, Arlington, TX 76015 (\$15.93). Tel: 888-368-8009 (Toll Free). Web site: <<http://www.thearcpub.com>>.
PUB TYPE Guides - Classroom - Teacher (052) -- Non-Print Media (100)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Adults; *Civil Rights; Coping; *Disability Discrimination; *Federal Legislation; *Learning Activities; *Mental Retardation; *Self Advocacy; Training
IDENTIFIERS *Americans with Disabilities Act 1990

ABSTRACT

This trainer's guide is designed specifically to provide training to individuals with mental retardation or other cognitive disabilities on their rights under titles II and III of the Americans with Disabilities Act (ADA). Written in simple language and supported by drawings that make the material more accessible, the training is meant to give trainees a basic understanding of certain key ADA concepts. Specifically, information is provided on: (1) rights under ADA; (2) recognizing discrimination; (3) what to do in a situation where discrimination happens; and (4) follow-up activities that can be done with local self-advocacy groups. The guide includes a training narrative, trainer's notes and instructions for all activities, 38 masters for making overhead transparencies and for making copies of the Trainee Handbook, and masters for making copies of an ADA help checklist, resource lists, ADA information coupons, and certificate of completion. Each section outlines learning goals and includes a mini-review of the information provided. Two audiocassettes are included for training individuals who also have visual impairments. (CR)

Making America Livable

*An easy-to-understand training
on titles II and III of the
Americans with Disabilities Act*

TRAINER'S GUIDE

produced by

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.

☐ Minor changes have been made to
improve reproduction quality.

• Points of view or opinions stated in this
document do not necessarily represent
official OERI position or policy.

**The
Arc**

The Arc of the United States
National Headquarters
1010 Wayne Ave., S-650
Silver Springs, Md. 20910

PERMISSION TO REPRODUCE AND
DISSEMINATE THIS MATERIAL IN
MICROFICHE ONLY HAS BEEN GRANTED BY

Davis

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

2B

Funded in full by the U.S. Department of Justice

This document provides general information to promote voluntary compliance with the ADA. It was prepared under a grant from the U.S. Department of Justice. While the Disability Rights Section of the Civil Rights Division has reviewed its contents, any opinions of interpretations in the document are those of The Arc and do not necessarily reflect the views of the Department of Justice. The ADA itself and the Department's ADA regulations should be consulted for further, more specific guidance.

BEST COPY AVAILABLE

Making America Livable was developed by Nancy L. Bolding, project director - Access ADA, The Arc. Illustrations for the overhead masters and Trainee Handbook were drawn by Candace Lowrey. Significant input in the development and field-testing of the program was provided by groups of members of People First of Alabama; New Jersey Self-Advocacy Project; Self-Advocacy Network/Community Partnerships Project and People First of Oregon; and People First of South Dakota.



Training-of-trainers was conducted in several regions of the United States by Nancy L. Bolding; Rick Fritsche, organization specialist, The Arc; and Ramona Long, training assistant, The Arc.

This publication can be ordered on-line by logging onto:

thearcpub.com

©The Arc, 1999

TABLE OF CONTENTS

Amesha Chhabra

• Introduction	3	• Section 3 - Who Must Follow the ADA?	21
- Training Goals and Content		Where - The ADA is a Law All Over the U.S.	
- Target Audience		Parts of Life Covered by the ADA	
- Format		Working - Title I	
- Materials		State and Local Government	
- Time Frame		Services - Title II	
- Trainers		Stores, Restaurants, etc. - Title III	
- Language		Buses, Trains, etc. - Titles II and III	
- Meeting Accessibility		Using Phones - Title IV	
- Disclaimer			
• Training Outline and Goals	6		
• Section 1 - What's A-D-A?	7	• Section 4 - What are the ADA Rules?	27
- Introduction		Treating People with Disabilities Fairly	
- Activity 1-1: Going Places		Making Changes in the Way Places Do Things	
- Activity 1-2: Our Stories about Discrimination		Giving Help to People Who Don't Speak Clearly	
- Discrimination on Disability		Making Places Easy to Get Into and Use	
- Activity 1-3: My Personal Network			
- The Phone List		• Section 5 - Using the ADA to Deal with Discrimination	31
- Activity 1-4: ADA - What We Know About It		Activity 5-1: What's Going on Here?	
• Section 2 - Who has Rights Under the ADA?	15	Jeff's Story	
What - The ADA is a Law		James' Story	
Why - Discrimination Based on Disability		Lateesha's Story	
Who - People with Disabilities		Rose's Story	
Part 1 of the ADA Definition of Disability		Activity 5-2: Using the "ADA Help" Checklist	
Activity 2-1: Who's Covered?		Suzanne's Story	
Part 2 of the ADA Definition of Disability		• Section 6 - Making the ADA Work for Us	39
Part 3 of the ADA Definition of Disability		Activity 6-1: What We Do Makes a Difference	
Association		Activity 6-2: Our Stories	
You are Covered		How Our Self-Advocacy Group Can Help	
How - People with Disabilities Help Enforce the ADA			
		Appendix A - ADA Background Information	43
		Appendix B - Resources	57
		Appendix C - Additional Training Activities	65
		Appendix D - Tips for Trainers	77
		Appendix E - Trainee Handouts	85
		Appendix F - Overhead Transparency Masters	93

INTRODUCTION

Making America Liveable is designed specifically to provide training to individuals with mental retardation or other cognitive disabilities on their rights under titles II and III of the Americans with Disabilities Act (ADA). Written in simple language and supported by drawings to make the material more accessible, the training is designed to give trainees a basic understanding of certain key ADA concepts.

Training Goals and Content

The program deals primarily with titles II and III of the ADA. Title II covers State and Local Government Services, and title III covers Places of Public Accommodation (such as stores, restaurants, banks, etc.) and Commercial Facilities (such as office buildings, warehouses, factories, etc.).

The goals of the training program are to help trainees:

1. Know they have rights under the ADA.
2. Recognize discrimination when it happens.
3. Know what to do in a situation where discrimination happens.
 - How to find out if a particular issue is covered by the ADA.
 - Who can help you find out
 - How to use the requirements of the ADA to get the help you need
 - How to ask for the help you need
 - What to do if the situation doesn't get better
4. Learn about follow-up activities that can be done with local self-advocacy groups:
 - To learn more about the ADA
 - To help businesses in local communities follow the ADA

Target Audience

The program is designed for use with small groups of individuals with mental retardation and other cognitive disabilities. If the program is used to train groups of individuals with other disabilities, it will be necessary for you, as a trainer, to change references made in the training to the trainees, particularly in Section 2, Who Has Rights Under the ADA, to refer in more detail to individuals with other types of disabilities.

It is very important you know your audience and adapt the training to fit the trainees' level of prior knowledge and experience. Ask the person or persons who best know the trainees to tell you something about the members of the group. Do they expect participants know each other? How much do the trainees already know about the ADA? Is this a very diverse group in terms of cognitive abilities? Are there individuals whose disabilities require some form of accommodation?

If trainees in your audience have previously attended training on the ADA, you may be able to move more quickly through and spend more time on discussion of their own experiences of discrimination. If trainees' background on the ADA is limited, you may need to take more time with the very basic information and make a point of reviewing material even more frequently than is written into the training narrative. If a member has faced a discriminatory situation or some other experience that is fresh in memory and apt to readily come up, you want to be aware of this. You will have an opportunity in Section I to use a situation shared by a trainee (with the person's permission, of course) as a key example to which you can refer from time to time during the training. Or perhaps you will need to provide some individualized assistance to the person outside of the training (e.g., to consult an ADA information service for answers to particular questions or to link the person with a professional who can assist). Section 6 -- Making the ADA Work for Us -- provides more discussion to support this area of training. Appendix B also contains numerous resources to use if more help is needed.

Format

The program is designed so that you and your co-trainer present information from the **Trainer's Guide** supported by pictorial overhead audio-visuals, the use of a flipchart, and interactive activities. Trainees can follow along by using the **Trainee Handbook** which should consist of reproductions of all the overheads. Audiotapes of the training are provided with the **Trainer's Guide**, and you can make duplicates for those trainees who wish to have a copy of the training on tape.

The program is very interactive. All sessions include activities and discussions that involve participation by the trainees. There is ample repetition of key points, and reviews occur at frequent intervals.

The training is divided into Sections 1 through 6 to help you see "at a glance" what is covered (see Table of Contents).

Materials

The Trainer's Guide includes:

- Training narrative, trainer's notes and instructions for all activities
- 38 masters for making overhead transparencies and for making copies of the **Trainee Handbook**
- Masters for making copies of the following handouts:
 - "ADA Help" Checklist
 - My Personal Network
 - The Phone List
 - ADA Information Coupons and article on how to use them
 - Certificate of Completion

In addition to these materials, you will need to have available an overhead projector and screen (or white wall), flip chart on easel, dark-colored, wide-tipped markers, masking tape, and a wall on which you can tape pages of the flip chart.

All other materials needed to conduct the program are contained in this **Trainer's Guide**. Overhead transparencies can be produced by photocopying the masters onto transparencies. **Trainee Handbooks** can be inexpensively produced by photocopying the masters. Each trainee should receive a copy of the **Trainee Handbook** which is designed to help meet the needs of individuals who may be non-readers. The handbook consists of the same 38 images that are used on the overhead transparencies.

The handout entitled *My Personal Network* provides a means for you to assist trainees in listing individuals to call for help in a discrimination problem. *The Phone List* gives the various toll-free numbers of federal agencies and services designed to assist with ADA concerns and other disability-related situations. These

two masters should be produced as a duplexed, one-page handout. Copies should be made on a heavier stock of paper to increase the durability of this important handout.

Certificates of Completion should be photocopied on a heavier stock of paper suitable for a certificate.

Audio cassette tapes of the entire training narrative are also included. These can be dubbed for distribution to any trainee desiring a copy. The training is also available in large print and in text form on computer diskette.

Sessions are fully scripted in the **Trainer's Guide** to make the program easy to use. Trainers may, in some cases, choose to use other wording. If so, use simple language to help trainees understand complex terms and abstract concepts. Trainers are strongly advised to use the ADA technical assistance services listed in Appendix B to be sure of their accuracy in choosing terms.

Time Frame

The time needed to complete the training will vary widely based on a number of factors:

- trainees' prior knowledge of the ADA
- number of trainees in the training group
- degree to which trainees have abilities in awareness, memory, language and communication, reading, decision-making and judgment, and other cognitive areas
- whether training starts on time

Two training sessions of four hours each with adequate breaks provided would be ideal. If circumstances limit you to only one meeting, you can still accomplish much in one four hour period. In this case, you will need to shorten many of the activities by using one rather than multiple examples.

Trainers

The program is designed to be taught by a team of two co-trainers. Ideally one team member will be an individual with mental retardation who is a self-advocate, an individual who is learning how to speak out on his or her own behalf. The other team member will be an advisor to the self-advocate. Advisors are typically professionals in the field of developmental disabilities, family members of a person with a disability, interested volunteer advocates, and/or other self-advocates who have had more experience.

As a trainer, you must be familiar with the ADA. You are strongly advised to study the background material in Appendix A and to obtain and study resources listed in Appendix B to further prepare yourself. These resources include the ADA regulations and technical assistance manuals.

Since the strengths, abilities, and experience of each co-trainer will be different for each team, it is recommended that you talk with your co-trainer about your respective roles in handling the teaching responsibilities. Prior to conducting each session, you must decide how to split the job. You are both advised to make notes in this Trainer's Guide to serve as a quick reminder of "who will do what."

Trainer's notes are in boxes throughout the **Trainer's Guide**. Read each section and all trainer's notes before training is conducted so you can make necessary preparations.

Tips for Trainers are provided in Appendix D, and you are encouraged to review them.

Language

Some individuals with mental retardation may prefer to refer to their disabilities as learning disabilities or developmental disabilities. Be sensitive to this, and make necessary modifications to the language used in the training.

Meeting Accessibility

Are you meeting at a facility or site that is accessible to people with various disabilities? Are trainees apt to have problems with accessible transportation to and from the training, and is there an accessible route to the facility? For assistance in determining any needed steps to ensure a fully accessible - meeting, consult Appendix B - Resources and Appendix D, Being Sure Your Training is Accessible.

Disclaimer

The program is not an exhaustive technical training on the ADA. It has specific, limited goals as stated above and targets a specific audience--individuals with mental retardation and other cognitive disabilities. In no way should the program be viewed as a complete technical training on the ADA, nor should it be viewed as a judgment of how the ADA would be interpreted in any specific situation.

This document provides general information to promote voluntary compliance with the ADA. It was prepared under a grant from the U.S. Department of Justice. While the Disability Rights Section of the Civil Rights Division has reviewed its contents, any opinions or interpretations in the document are those of The Arc and do not necessarily reflect the views of the Department of Justice. Because this material was developed for individuals with mental retardation and other cognitive disabilities, the content was written in very simplistic terms and some of the complexities of the law were omitted. The ADA itself and the Department's ADA regulations should be consulted for further, more specific guidance.

Training Outline and Goals

Section 1 - What's A-D-A?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Name at least two places where they go to have fun, shop, or get various services.
2. Correctly define discrimination based on disability as being treated unfairly just because of one's disability.
3. Using My Personal Network, name at least two people to whom the trainee would turn for help if faced with a discrimination problem.
4. Using The Phone List, name at least one place to call for ADA information and assistance.
5. Say the full name of the ADA--Americans with Disabilities Act.

Section 2 - Who has Rights Under the ADA?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Say the ADA is a law all over the U.S.
2. Name the problem the ADA is meant to solve--discrimination based on disability.
3. Name at least two kinds of disabilities that are protected under the ADA.
4. Identify him or herself as a person who has rights under the ADA.

Section 3 - Who Must Follow the ADA?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Name at least two areas of life covered by the ADA.
2. Name at least two places where the trainee goes that are covered by the ADA.

Section 4 - What are the ADA Rules?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Say the ADA rules are meant to help people with disabilities get to do things everyone else does, such as shopping, doing activities, getting services.
2. Give at least one simple illustration of an ADA rule.

Section 5 - Using the ADA to Deal with Discrimination

Learning Goals:

Through participating in this part, trainees will be able to:

1. Give a simple description of the discrimination based on disability in at least one case story.
2. Name two types of people who could be of help in solving a discrimination problem.

Section 6 - Making the ADA Work for Us

Learning Goals:

Through participating in this part, trainees will be able to:

1. Using the illustration of "Suzanne's Story," give a simple description of the assertive way to respond to a discrimination problem.
2. Give a simple description of what the trainee would do in a personal example of a discrimination experience.

Section 1 - What's A-D-A?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Name at least two places where they go to have fun, shop, or get various services.
2. Correctly define discrimination based on disability as being treated unfairly just because of one's disability.
3. Using *My Personal Network*, name at least two people to whom the trainee would turn for help if faced with a discrimination problem.
4. Say the full name of the ADA--Americans with Disabilities Act.

Overheads: # 1

Handouts:

Trainee Handbook - Photocopy the 38 numbered masters provided in the training package. Staple each collated set or place in ring binders for each trainee.

Copies of *My Personal Network* and *The Phone List*

Prepare duplexed copies of *My Personal Network* with *The Phone List* on the reverse side; use a heavier stock of paper (such as a 60, 70, or 80 lb. paper).

Introduce yourself and give the following brief overview of the program.

Overhead # 1 - Flag, ADA Law

INTRODUCTION

Today is the first session of our training program, *Making America Livable*. This training program is for you. It is to help you learn about an important law called the ADA. This law helps people with disabilities--people like each of you. This law can help you in your everyday life. During our time together we will see how this law can help you.

We are going to learn about the ADA and what it means for each of you. Our goals are:

1. To help you learn about the ADA--to know that:
 - the ADA gives you rights.
 - the ADA protects you against discrimination because of your disability.
2. To know discrimination when it happens.
3. To know what to do in a situation where discrimination happens:
 - How to find out if this is an ADA problem.
 - Who can help you find out.
 - How to use the ADA to get the help you need.
 - How to ask for the help you need.
 - What to do if the situation doesn't get better.
4. To find out activities you can do with your self-advocacy group:
 - To learn more about the ADA.
 - To help businesses in your community follow the ADA.

During the training we will help you fill out a handout called *My Personal Network*. On it you will list the names of people you would feel comfortable asking for help if you think you are experiencing discrimination because of your disability. You will also receive a resource list, *The Phone List*, that gives 1-800, toll-free numbers you can call for more information and help concerning an ADA problem. We will also tell you about some activities you can do with your self-advocacy group to learn more about the ADA and things you can do to help the businesses and organizations in your community learn how to follow the ADA law.

At the end of the training, you will receive some *Informational Coupons* about the ADA. You can give coupons to owners and managers of the places you go to shop, eat out, get services (e.g., from your doctor, public services from the city, etc.), or do activities (e.g., participation in the local recreation center or senior center, etc.). You will also receive a Certificate of Completion showing that you participated in this ADA training program for self-advocates.

Each of you is an important member of this training group. We want you to be a part of the group by sharing your answers when we have questions. What you have to share is important. And you will learn more if you share during our time together. We hope each of you will enjoy being part of this training group while we learn about the ADA.

Remove Overhead # 1 and turn off the overhead projector.

The purpose of these first two upcoming activities will be: a) to attract the trainees' attention and interest by giving them a chance to talk about themselves, b) to help trainees see that the training has something to do with their lives and their own experiences, c) to provide immediate examples of how the trainees could use the ADA to help stop discrimination, d) to give you, the trainer, examples from the trainees' own experiences to which you can refer throughout the training program. (This last item is important because your ability to use the trainees' own examples all the way through the program will increase their attention and interest and the likelihood they will learn the material.)

Activity 1-1: Going Places

Going Places will help trainees think about the kinds of places where they go for fun, shopping, services and other activities. It is an easy way to identify the many kinds of places that are covered by the ADA. It will also give you an

opportunity to focus attention on the places that have to follow the ADA rules for titles II and III.

Ask the following open-ended questions. Do the questions one at a time. If none of the trainees speaks up right away, then you or your co-trainer should give an answer of your own to help the trainees feel comfortable to share their answers.

Always wait for responses first. If you need to "start the ball rolling," you can ask if anyone ever goes to some of the places listed below. Write the trainees' responses on the flip chart. If two trainees give the same answer, go ahead and write both down. As you fill the flip chart, tear off the sheet and tape it to the wall where you will leave it for the remainder of the program.

To begin to talk about the ADA as something that can help us, we'll start with a few questions all of you can answer:

When you go out for fun, where do you go?

How about shopping? When you go to the store to buy something, where do you go? What kinds of stores?

How about other kinds of services you might need? What other businesses or places do you go to so you can take care of something you need?

Where else do you go during your week or on the weekends?

Guess what! Many of the places you just named are places that have to do what the ADA says. This is why it is so important for you, as self-advocates, to learn about the ADA. The ADA affects so many places we go that we really need to know about it.

Discrimination Based on Disability

It's nice to be able to go places and do things. But sometimes people get treated badly or differently just because they have a disability.

Does anyone know what the word "discrimination" means?

This question may open up many trainees to begin talking about having been treated differently or unfairly. Let everyone who wants to share have a chance to do so.

Discrimination means being treated differently for an unfair reason. Discrimination means being treated unfairly just because of some group a person belongs to.

Now there are times when people are discriminated against because they are black (African-American) or because they are old or because they are Jewish or because they came from another country.

Because discrimination means...what? --- Being treated unfairly because of some group a person belongs to.

And there are special laws to help stop discrimination against people because of their race or their age or their religion and so forth.

There's another kind of discrimination that we are going to be talking about in this training. It's discrimination against people just because they have a disability. There are times when people with disabilities are treated unfairly by stores, restaurants, doctors, banks--many of the places you just named.

Sometimes people who work in these places treat a person with a disability unfairly--just because of the disability. Sometimes even the way places are built means that people with certain kinds of disabilities can't do things that other people do.

What is the word we use for times when some people treat people with disabilities differently or unfairly just because of their disability? ---

Right, it's discrimination.

In our training program, we will talk about this kind of discrimination--

Discrimination against people because they have disabilities

Activity 1-2: Our Stories about Discrimination

This is an extremely important activity, as it involves the trainees' own personal experiences with discrimination on the basis of disability. Since people generally have greater interest in and learn more from working on their own experiences than simply hearing other peoples' stories, this activity will help engage the trainees and provide a reference point.

It will give you an opportunity to introduce some of the questions from the "ADA Help" Checklist. In addition, if the problem is still happening or is still unresolved, you may want to talk further with the trainee after the session to provide more specific help.

It is very likely that at least one trainee, and possibly more, will immediately have a story to share of their own experience with discrimination based on disability in one of the kinds of places named in Activity 1-1: Going Places. Listen carefully to what is said. Ask key questions to help prompt a full picture of what took place. If necessary, make a few notes to help you remember, because you will want to be able to refer back to the story(ies) during the rest of the training program.

NOTE: It is just as likely that trainees will share stories about other places and situations in which they were teased or called names. Others may talk about being treated differently by parents or family members. Some may share experiences where they were given poor service or treated rudely by someone in a shop or restaurant. It is important to help the trainees understand that not all

different treatment, unfairness, or even rudeness is based on disability. Sometimes all people encounter unequal treatment, poor service, people who are rude or situations that are just plain unfair. You will want to respond sensitively to trainees sharing these kinds of stories. You may even want to talk further with a trainee during a break about a particular situation, or you may want to arrange a time when the group of trainees can meet to talk about and practice responding assertively to these kinds of situations.

Thank the trainees for sharing. Let them know, if they need help dealing with a situation that's still happening or still troubling them, that you will talk with them further at break or after the class.

Select at least one story to work through in the class. Select one that is involved with a title II or III place (refer to *Who Must Comply with the ADA* in Appendix A - ADA Background to verify your choice). Use the "ADA Help" Checklist questions to guide you in talking through the situation with the trainees.

We just said that sometimes people with disabilities experience discrimination when they go to places like those you've just named. What about you? You may have had times when you felt someone was discriminating against you because of your disability.

Think again about the places where you go, the places we wrote on our flip chart. Have there been times when people in those places had a wrong idea about what you can do or can't do because of your disability? Have you ever felt you were being treated unfairly just because of your disability when you were at one of those places?

Allow responses and jot brief notes on the flip chart. Once you've selected the story you will use, ask the following questions and jot responses on the flip chart. Address your questions to the person whose story this is, but give the other trainees an opportunity to give

their answers, as well.

Give trainees an opportunity to give their ideas in response to each question before you provide additional answers.

Let's look at this example that was shared. We'll ask ourselves several questions. I'll address these questions to the person who shared the story, but I want all of us to help answer the questions.

These are the questions on your "ADA Help" Checklist.

1. In what kind of place did this situation happen? Who owns or operates this place?

It's important you figure out what kind of place this is, because the ADA rules are a little bit different for different places.

2. What happened?

3. Were you treated unfairly because of your disability or for some other reason?

4. When this happened, did you tell anyone? Who did you tell? If you never told anyone, can you think of someone you could tell? Is there a member of your family, a friend, a staff member of an agency, a co-worker, etc. to whom you could talk about what happened? Who is that person?

It's very important you think of people you could talk to if you were faced with this type of situation. The person should be someone you trust who can help you go over exactly what happened and help you get the information you need to do something about the problem. In a moment we're going to do an activity that will help you create a list of these people. We call the list *My Personal Network*. You'll be able to keep this list and use it whenever you need to talk to someone about a discrimination problem.

5. Where can I call to find out if this is an ADA problem and what to do next?

On the back of *My Personal Network* there is a list of phone numbers you can use to find out more information about your discrimination problem. We call this resource list *The Phone List*. We will refer to this list many times during our training.

You can call one of these numbers to tell them what happened and ask for more information about the problem. These resources can help you figure out whether the place is covered by the ADA and whether there are things you can tell the place about the law that will help you.

6. If the situation doesn't get better, what else can I do?

After you have called one of the resource numbers for more information on the discrimination problem, you could talk to the owner or operator of the place where the discrimination happened. You can give the place information about the ADA and ask for the kind of assistance you might need so the discrimination will stop. If the situation doesn't get any better, there are other things you can do such as:

- File a complaint with the U.S. Department of Justice
- Call a local dispute mediation service to see if they can help.

A dispute mediation service is a special program to help when you are having a problem with another person or organization. The ADA rules don't say you have to use a dispute mediation service, but the ADA encourages people to consider trying to solve their problems this way before filing a lawsuit.

- File a private lawsuit against the place where the discrimination problem is happening.

A lawsuit is when people take their fight to lawyers who give information to a judge, and sometimes a jury, who will give an answer and end the fight. Lawsuits can cost a lot of money, but they can sometimes solve the problem.

Activity 1-3: My Personal Network

This activity will help trainees create a list of people they trust to whom they might turn if they felt they had experienced discrimination. Hand out copies of *My Personal Network*. This is a form each trainee can fill out with the names of individuals he or she could each turn to for help about a discrimination problem. The key question to pose to trainees is "What friend, advisor, member of your family, staff person, co-worker, boss, etc. would you feel comfortable talking to?"

Distribute a copy of *My Personal Network* to each trainee. The form gives spaces for a variety of different types of people to be identified. Point out to the trainees the importance of identifying more than one person since the first person they turn to for help may not know much about the ADA. Or, the person may not think the problem is worth doing anything about. Worse yet, the person may not actually want the individual to have access, become more independent, etc. For this reason, trainees should ideally think of several different people to fit the different categories on *My Personal Network*.

It is important these names be written down on the form. Since some of the trainees may be non-readers or have other difficulty with writing, offer to assist anyone who may need it.

Before you do this activity, look up the name and phone number of your state's Protection & Advocacy agency in Appendix B - Resources. You will need to have this information available for trainees to write on their *My Personal Network* forms.

Just now when we worked on the story one of you shared, we talked about a family member, self-advocacy advisor, staff member or someone else with whom you could discuss the discrimination situation.

Section I

Our next activity will help each of you think of several different people to whom you would turn to ask for help if you experienced discrimination. Look at this handout which is called *My Personal Network*. That's just a way of saying "Here are the people to whom I feel close-close enough that I would ask them for help."

Who is someone you could talk to if you had a discrimination problem? What is that person's name? Where might they fit on your personal network? Now think of a second person you could talk to. What is that person's name? Notice that each line of your personal network is meant for a person who fits that category. See if you can think of at least one person for each category.

On the bottom of this page you will see places to write in the names of agencies that can help you, too. There is a place to write the name and number of The Arc chapter in your community. If there is no chapter of The Arc where you live, you could write in another agency that provides assistance and services to people with disabilities.

There is also space to fill in the name of the Protection & Advocacy agency in your state. This is an agency that can help you with discrimination problems, problems that are covered by laws like the ADA. The Protection & Advocacy agency can also tell you about state and local laws that help people with disabilities.

The Phone List

Ask the trainees to turn over their handout to look at the resource list on the back. Read the category headings aloud while you draw their attention to the symbols beside the headings.

Turn over your *My Personal Network*. On the back is a page that gives the phone numbers for different places you can call for information if you have a discrimination problem. Most of these are 1-800, toll-free numbers that you can call free of charge.

The very first number on the page is the 1-800 number for the Disability and Business Technical Assistance Center. It is also called the DBTAC

(pronounced dib'-tak). There are ten of these centers in the United States. There is just one toll-free number you can call from anywhere in the U.S. It will connect you to the center serving your state. Your DBTAC is a very good place to call for ADA information.

You've just had a chance to talk through one person's experience of discrimination based on disability. There are many different ways people with disabilities can experience discrimination based on their disabilities. The purpose of our training program is to help you learn about a law that is meant to stop discrimination based on disability. This law is called the ADA.

The ADA says discrimination based on disability is wrong.

We will learn what the ADA is about. We will learn how to know when discrimination may be happening to us because of our disabilities. And we will learn what to do to help stop discrimination and to be treated fairly.

Activity 1-4: ADA - What We Know About It

This activity helps trainees learn what the letters A-D-A represent and gives an opportunity for trainees to say whatever they have heard or already know about the ADA. It will help you see how much the trainees know and how much of their current understanding is accurate. This also is another good time to encourage trainees to speak up. You will be able to reinforce correct understandings and to correct inaccurate information.

We've already begun to talk about discrimination and what can be done to make it stop, but we need to take a moment to be sure everyone knows what the letters A-D-A stand for. And we need to find out what you already know about the ADA.

Let's start by talking about what the letters A-D-A stand for. Does anyone know? What do those letters mean?

Section 1

First, let's put these letters, A-D-A, on our flip chart. I'd like one of you to help me write them in very large letters so we all can see them easily.

Select a volunteer to come up and write ADA in very large letters on the flip chart. Then tape this sheet to the wall where everyone can see it, and leave it up throughout the training program.

Allow trainees to give their answers. Some trainees may be able to say correctly what "A-D-A" stands for, while others may know a little or nothing about the ADA. When everyone who wants to give an answer has done so, continue.

Note that whenever questions are asked in the training narrative, as below, there will be three dash marks separating the question from the answer. This is to remind you to encourage trainees to give their answers before you provide the answer. When trainees answer correctly, acknowledge the accuracy of their responses and then repeat the correct answer again.

Let's look at the first letter, A. What country do we live in? --- Right, the United States. We can also say --- America. If we live in America, what do we call ourselves? --- Americans.

It may be helpful to use Overhead # 9 here (the U.S. map) to help prompt trainees who may have any difficulty coming up with the word "America".

That's our first letter --- A is for Americans.

Now, the D. Who are the people like us who are in self-advocacy groups? Or, who are the people like us who receive some types of services to help us? --- people with disabilities.

OK, so D stands for Disabilities.

So far, we have A-D which stands for Americans with Disabilities. Now we need to fill in that last letter, another A which stands for a word that means the same thing as law. That word is Act.

A-D-A stands for the Americans with Disabilities Act.

Let's repeat that out loud all together --- Americans with Disabilities Act.

"A-D-A" is the short name for this law. The long name is the "Americans with Disabilities Act of 1990." The year 1990 is when the ADA was signed into law by the President of the United States. Most people will use the short name, ADA, so in this training, we will use the law's short name, too.

I want you to listen for that question, "What does A-D-A stand for?" Every so often during our time together, I'm going to ask you this question. I might ask it another way, "What is the ADA?" When I ask you, I want everyone to call out the answer --- Americans with Disabilities Act.

You'll never know exactly when I'm going to ask this question, so BE READY.

Now, what does A-D-A stand for? --- Americans with Disabilities Act.

Now let's see what other things you have heard or know about the ADA--

What is the ADA about? Have you heard some things about the ADA? What do you know about the ADA?

Encourage trainees to share. One-word answers are fine. As trainees share their ideas, write these answers on the flip chart. Don't say anything yet about which answers may be right or wrong. Just allow the trainees to say what they want to say about the ADA, and write down the answers.

After all trainees who want to say something have done so, thank everyone for their willingness to share their answers. Then, go over the list out loud and acknowledge any answers that are related to the ADA. This will require you to use your knowledge of the ADA. Consult Appendix A - ADA Background Information and Appendix B - Resources.

When you are unsure whether something shared by the trainees is correct, say that you are unsure and will look it up. Then, during a break or after the training, call the DOJ ADA information line or your Disability and Business Technical Assistance Center (DBTAC) or other ADA information services for an answer (see Appendix B - Resources). Then, be sure you contact the trainee to give him or her the information.



MINI-REVIEW

What does A-D-A stand for? --- Right, the Americans with Disabilities Act.

The ADA is a law that is meant to stop a certain problem. What is that problem? --- Right, the ADA is meant to stop:

Discrimination against people because they have disabilities

Who are some of the people you named in your *My Personal Network*, people you would talk to if you had a discrimination problem?

Refer trainees to their copies of *My Personal Network* to prompt answers.

What are some of the places you could call for ADA information, to find out if a situation you are in is an ADA problem and what to do next? Check your resource list, *The Phone List*.

Refer trainees to *The Phone List* to prompt answers.

Section 2 - Who has Rights Under the ADA?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Say the ADA is a law all over the U.S.
2. Name the problem the ADA is meant to solve--discrimination based on disability.
3. Name at least two kinds of disabilities that are protected under the ADA.
4. Identify oneself as a person who has rights under the ADA.

Overheads: # 2 - 8

You've shared some of the things you know about the ADA. Now we'll go over some basic information about the ADA and why we have the ADA.

WHAT - The ADA is a Law

The ADA is a law. That means it's a set of rules passed by our government.

What part of our government passed the ADA into law? --- The federal government.

You may find the trainees know the ADA is a law but don't know which level of government passed it into law. If the trainees say "the U.S. government," or "Washington," or "President Bush," tell them they are correct and add that the ADA was made a law by our federal government.

What is the ADA? --- It's a law. What does ADA stand for? --- Americans with Disabilities Act.

WHY - Discrimination Based on Disability

Why do we have the ADA? This is the most important question for us.

Why is there this law for us--for "Americans with Disabilities," and what problem is the ADA is meant to solve?

We have the ADA for two big reasons:

- to stop discrimination based on disability, AND
- to help people with disabilities get to do things everybody else does and to do things along with people who don't have disabilities

Overhead # 2 - Why We Have the ADA:
To stop discrimination based on disability

This is a picture of people with disabilities not being allowed to enter a place. This is just one example of the many different ways people are discriminated against because of their disabilities.

Overhead # 3 - Why We Have the ADA:
To help people with disabilities...

Here we see just one example of people with disabilities doing things alongside of people without disabilities. This shopping mall and food court are accessible to people with different disabilities. Who do you see in this picture --- yes, a man and woman are walking out of a restaurant together, and the man is blind. There's also a woman holding a little boy; we don't know if either of them has a disability or not. The lady sitting on the bench has a prosthetic arm. There's a little girl and boy. One of them may have a hidden disability like mental retardation. But the point is, that people with disabilities have access to the mall and they are doing things alongside of people who don't have any disability.

Remember, this mall is just one example of thousands of different places where people with disabilities should, because of the ADA, be able to go and do things alongside people without disabilities.

What are some of the other things people with disabilities may want to do just like everyone else --

- work in a job
- shop
- eat out
- do activities
- ride the bus, etc.

Section 2

We've talked about that word, "discrimination." What does that word mean again? --- Right, discrimination means treating someone unfairly just because of some group the person belongs to.

What kind of discrimination does the ADA law deal with?

If no one immediately answers, ask the group what A-D-A stands for to help them focus in on the correct answer.

The ADA law talks about --

Discrimination against people because they have disabilities.

The ADA says discrimination based on disability is wrong. Discrimination because of disability is against the law, and a business or other place that has to follow the ADA law can get into trouble if it doesn't do what the ADA law says.

This is what the ADA is all about. It is important that we understand that the ADA is about discrimination based on disability.



MINI-REVIEW

What does A-D-A stand for? --- Americans with Disabilities Act.

What is the ADA? --- It's a law.

Why do we have the ADA? What is the ADA meant to do? ---

- to stop discrimination based on disability,
AND
- to help people with disabilities get to do things everybody else does and to do things along with people who don't have disabilities.

We say the ADA is meant to help people with disabilities get to do things. What kinds of things? --- Work in a job, shop, eat out, do activities like go bowling, see a movie, ride the bus, etc.

What kind of discrimination is the ADA meant to stop? --- Discrimination based on a person's disability.

WHO - People with Disabilities

We need to know who gets rights under the ADA. Who are the "Americans with Disabilities?" Who are the people the ADA helps? What kinds of disabilities are included in the ADA protections? Who has rights under the ADA?

Allow trainees to respond. Some trainees may respond with a general answer like "people with disabilities." Ask if anyone knows what kinds of disabilities. List answers on your flipchart.

The ADA gives rights to people with disabilities. We can also say it the other way -- The ADA protects people with disabilities.

Does the ADA only protect people who use wheelchairs? --- No, the ADA protects people with many different kinds of disabilities. What other people do you think the ADA protects? What other kinds of disabilities?

Write trainees' responses on the flip chart.

Let's see how many of your answers are right. We'll look at what the ADA says about who is protected.

Overhead # 4 - Person with Physical or Mental disability

Overhead # 5 - ...who has a very hard time...

Display Overhead # 4 as you begin the definition. Then switch to # 5 as you read the list of things that are very hard to do. Take time to point to the picture of each function as you say it. When you get to the example--"using hands"--you can make the concept more tangible by asking any trainee who has a set of keys to pull them out and demonstrate turning a key in a lock as an illustration of

Section 2

performing a manual task. Note to trainees that this is not an exhaustive list, but only some examples.

There are three ways that a person with a disability can have rights under the ADA. We'll start with the ADA's basic definition of disability.

Part 1 of the ADA Definition of Disability

A person who has a physical or mental disability that makes it very hard for him or her to do a major life activity, things like--

caring for oneself
learning
walking
seeing
hearing
speaking
breathing
working
using his or her hands to do things

Do a time check at this point. If you feel you are running behind, you can skip Activity 2-1 or just shorten it by only using one or two examples.

Activity 2-1: Who's Covered?

To be sure we all understand how this works, we'll ask questions about several different disabilities to decide if a person with that disability is protected by the ADA.

The way to find out if a person is protected by the ADA we have to ask ourselves two questions:

1. Does the person have a physical or mental disability?
2. Does this person's disability make it very hard for him or her to do one of the major life activities?

Let's try doing this.

After you say each example of disability, "person with...", ask question # 1. Wait for responses. Then ask question # 2 and wait for responses. Use Overheads # 4 and 5 as prompts, if necessary.

Example: A person who uses a wheelchair

1. Does this person have a physical or mental disability? Which one?

the person has a physical disability
and

2. Does this person's disability make it very hard for him or her to take care of him or herself or learn or walk or see or any of those other things on our picture? Yes. OK, which life activity?

the person is not able to walk or has a very hard time walking

Example: A person who is blind

Repeat questions 1. and 2. above.

a physical disability and
the person is not able to see

Example: A person who is deaf

has a physical disability and
person is not able to hear

Example: A person who has mental retardation

has a mental disability and
person has a very hard time learning

Part 2 of the ADA Definition of Disability

A person who has a record of a physical or mental disability.

Overhead # 6 - Medical files

A person could also be protected by the ADA if he or she has a record of a physical or mental disability like the ones we've just named.

Examples:

A man used to go to a doctor. He was being treated for cancer. The doctor wrote down some information about him and the cancer treatment.

Or, a woman was in special education classes at school when she was a young girl. She was in special education because she has mental retardation and needed some extra help in learning.

Or, a doctor or school might have made a mistake. They might have written down that the person had a mental illness when that was not true. The ADA protects individuals who have recovered from a physical or mental disability that previously significantly limited a major life activity.

Part 3 of the ADA Definition of Disability

A person who is treated by other people like he or she has a physical or mental disability.

Overhead # 7 - Woman having head patted; man being rejected

A person could also be protected by the ADA if he or she is treated like he or she has a disability.

Ask the trainees what is happening in this picture.

We also have a picture of a woman who is being patted on the head as if she were just a little girl. The woman doing the patting thinks the woman in the seat has a disability. She is patting the woman on the head, and this is not right. It says you think the person is not an adult. It can really hurt someone's feelings. It makes the person feel he or she is not respected as an adult.

Here is a picture of a man. Three other people are looking at him and talking about him. They don't want him around. They don't want him around because they think he has a disability. They are rejecting the man because they think he has a disability. We don't know if this man has a disability or not. He might have a "hidden"

disability like mental retardation, or epilepsy, or a learning disability, or he might not have any disability at all. The point is that other people are treating him unfairly because they think he has a disability, and the ADA law says that is wrong.

Both of these pictures show people being treated as if they had a disability. Both the man and woman are being treated unfairly because other people think they have a disability. These are just two examples of people being discriminated against because other people think they have disabilities. There are many other situations.

Here is another example:

A woman had a really bad burn. The burn left big scars on her face. She doesn't have a hard time doing things like taking care of herself, walking, seeing, learning, working, or anything else. But other people look at her and think she has a disability. They treat her differently because they think she has a disability.

Association - A fourth way a person can have rights under the ADA

Overhead # 8 - Mark and Eduardo at entrance of amusement park

There is one other way a person can have rights under the ADA. Listen to this example:

Mark has no disability. His friend Eduardo does have a disability. Eduardo has cerebral palsy and a seizure disorder. Eduardo uses a walker. Mark and Eduardo decide to make a visit to the amusement park. When they prepare to pay the entrance fee, the cashier stops them and won't let them in. The cashier says something about Eduardo's disability and that he might hurt himself at the park. The cashier had fears about Eduardo because of Eduardo's disability, but he also wouldn't let Mark in because Mark was with Eduardo.

Why doesn't the cashier let Eduardo come in? --- Because Eduardo uses a walker and has a disability.

Why was Mark stopped from going in? ---
Because he is with Eduardo.

Does Eduardo have rights under the ADA? ---
Yes, he has a physical or mental disability--in
this case, cerebral palsy--and he has a very hard
time with the very important life activity of
walking. So Eduardo has ADA rights.

Do you think Mark has rights under the ADA?
It doesn't seem like he would because he doesn't
have a disability. BUT...the ADA rules say that
businesses and other organizations can't
discriminate against a person based on their
ASSOCIATION with a person with a disability.
That means they can't discriminate against
someone because that person has a friend or
relative or is with a person who has a disability.

Now look at our example again:

Mark is a friend of Eduardo's. Mark was
stopped from going into the park because he
was with Eduardo, so Mark has rights under the
ADA.

You Are Covered

Many people think the ADA is only for people
who use wheelchairs. Is that true? --- NO. You
are right. The ADA gives rights to people with
many different kinds of disabilities.

Adjust the questions in this section if
trainees have disabilities other than
mental retardation.

As a person with mental retardation (a
developmental disability), are you protected by
the ADA?

Yes, you are right. You are protected. Can you
tell me why? How do you know you are
protected by the ADA?

Allow trainees to respond. Help out by
drawing attention to Overheads # 4 and 5
showing the ADA definition of disability.

You are protected because a person with mental
retardation--

has a mental disability and
may have a very hard time learning.

Some trainees may, of course, have other
disabilities in addition to mental
retardation. If that is the case, then the
person may also be considered a person
with a disability under the ADA because
the additional disability causes him or
her to have a hard time with one or more
of the other major life activities shown on
Overhead # 5.

HOW - People with Disabilities Help Enforce the ADA

Even though the ADA law was passed by our
federal government, there are no inspectors from
the government who go around making sure
places covered by the ADA are following the
law. And it's not the kind of law where you'd
call the police to report someone who's breaking
it.

Instead, you and me and anyone else who is
concerned about rights for people with
disabilities are the ones to make sure businesses
are following the ADA rules. When we face a
situation where we may be experiencing
discrimination based on disability, there are
many different things we can do to get the
problem solved--things like:

- talking to people we are close to about the
problem
- calling a toll-free number to get more
information on how the ADA applies to our
problem
- talking directly about the problem with the
manager or other people in charge at the
place where the discrimination problem is
happening
- filing a formal complaint with the U.S.
Department of Justice
- getting a special agency called a dispute
mediation service to help us solve the
problem
- filing a private lawsuit against the place where
the discrimination problem is happening

So, we are the ones to help make sure businesses
and other ADA places follow the ADA rules. In
a moment, we'll hear some stories about other
self-advocates who faced discrimination
problems, and we'll see what they did.



MINI-REVIEW

What does A-D-A stand for? --- the Americans with Disabilities Act.

WHAT is the ADA? --- It's a law.

WHY do we have the ADA? --- For two reasons:
to stop discrimination based on disability
AND
to help people with disabilities get to do the
same things everybody else does and to do
things along with people who don't have
disabilities

WHO does the ADA protect? --- People with disabilities.

Does the ADA protect people with mental retardation? ---
yes.

Section 3 - Who Must Follow the ADA?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Name at least two areas of life covered by the ADA.
2. Name at least two places where the trainee goes that are covered by the ADA.

Overheads: # 9 -14

WHERE - The ADA is a Law all over the U.S.

Now we need to talk about where the ADA is a law. We'll also look at the list of places you go and talk about the big parts of the ADA.

First, you remember the ADA was passed into law by our federal government. So, where is the ADA a law?

Overhead # 9 - U.S. map

What is this a picture of? --- It's a map of the United States. The ADA is a law in every part of the United States.

Point to many places on the map. If you know someone has relatives in another state or has been on vacation, use those locations when asking the following questions.

Does anyone have a friend or relative who lives in another state? Has anyone been on a trip to another state?

Is the ADA a law in New York state? How about in Nebraska? California? Florida? --- That's right. The ADA is a law in every place in the United States.

PARTS OF LIFE COVERED BY THE ADA

You remember we said the ADA is meant to do two things --

to stop discrimination based on disability,
AND

to help people with disabilities get to go places and do things everybody else does and to do things along with people who don't have disabilities.

The ADA is a law to stop discrimination against people with disabilities. The ADA exists so that people with disabilities can do things like everyone else. What things?

- finding a job and working in a job
- going shopping
- getting services, like seeing a doctor
- doing activities, like eating out, using a health club, going to the movies, visiting an amusement park or a museum, going to a ballgame, taking a class
- riding public transportation, like the city bus

The ADA says people with disabilities should be able to be together with people who don't have a disability. This is called -- INTEGRATION.

INTEGRATION means TOGETHER

Integration means that people with disabilities and people without disabilities can --

- work in the same places
- shop in the same stores
- get services in the same places
- do activities in the same places
- ride the same buses or other public transportation

We'll look at some pictures of these different big parts of life that the ADA covers. As we do this, we'll also look at the list of all the many places you said you go for fun, shopping, services or other types of activities during your week and weekends. We'll see what parts of the ADA cover them.

As you present each of the categories below, write the heading of the category on the flip chart (for example: Working - Title I). First, present the overhead and the information provided about that category. Then, while the overhead is still displayed, rewrite on the flip chart the names of any places shared by the trainees during Activity 1-1: Going Places that fit that category.

Go through this same exercise for each of the categories:

- Working - Title I
- State and Local Government Services - Title II
- Stores, Restaurants, etc. - Title III
- Buses, Trains, etc. - Titles II and III
- Using Phones - Title IV

To be sure you can accurately sort the places named by the trainees, prepare yourself in advance by referring to Appendix A - ADA Background Information. See "Who Must Comply with the ADA" for the lists of covered entities under each title of the ADA. See also "Other Disability Laws" for listings of covered entities under the Fair Housing Amendments Act, Architectural Barriers Act, Rehabilitation Act, Air Carrier Access Act.

Find out ahead of time if there are any state or local laws that also provide protections to people with disabilities in your area. You can do so by contacting the Protection & Advocacy agency in your state (see Appendix B - Resources).

Look at each place on the list of trainees' answers. If trainees shared answers that are not related to the ADA, let them know if their answers relate to another disability law. Or, if you are not sure what law relates, tell them you will find out and contact them later with that information.

The ADA has many different rules. There are so many rules that the ADA is divided into parts, kind of like chapters in a book. These different parts of the ADA are called --

TITLES

Each title deals with a different big part of life.

It might be helpful to hold up your copies of the regulations for titles I, II and III to show the trainees what these regulations look like.

Each title gives ADA rules for a different part of life. Each title in the ADA has its own number. The number is written in Roman numbers, as you'll see in a moment.

This training program focuses on just two parts of the ADA--

- 1.State and Local Government Services
AND
2. Stores, Restaurants, etc.

--but we will give you a little information about all the big parts of the ADA.



MINI-REVIEW

What does A-D-A stand for? --- Americans with Disabilities Act.

WHAT is the ADA? --- It's a law.

WHY do we have the ADA? What is the ADA meant to do? ---

to stop discrimination based on disability;
AND

to help people with disabilities get to do things everybody else does and to do things along with people who don't have disabilities.

We say the ADA is meant to help people with disabilities get to do things. What kinds of things? --- Work in a job, shop, eat out, do activities like go bowling, see a movie, ride the bus, etc.

What kind of discrimination is the ADA meant to stop? --- Discrimination based on a person's disability.

WHO does the ADA protect? --- People with disabilities.

Does the ADA protect people with mental retardation? --- Yes.

What are some of the places we go that are covered by the ADA ---
Restaurants, stores, movie theaters, bowling alleys, banks, recreation centers, jobs, buses, etc.

Working - Title I

Overhead # 10 - Working

What does this picture show? Well, it's a lot of little pictures about working. Title I of the ADA has rules about all parts of working just as this picture shows. The ADA tells what kinds and sizes of employers have to follow the ADA rules. Our training program won't spend time on this part of the ADA, but your copy of *The Phone List* gives you some 1-800 toll-free numbers for information if you have a discrimination problem that involves a job.

Ask trainees to look at *The Phone List*. Point out the listing for the Equal Employment Opportunity Commission. Remind trainees that the first listing, the DBTACs, are also a good place to call if they have a question about the ADA and working.

Let's look at the places where you go. Did anyone mention going to work?

If any of the trainees mentioned work, you can add those to your title I flip chart. If not, ask the trainees if they currently have a job, and ask them how many employees work there. Then list those workplaces on the flip chart if they employ 15 or more employees.

The rules in title I have to be followed by businesses and organizations where 15 or more people work. Title I covers employment in all kinds of places like offices, stores, factories, hospitals, restaurants, hotels and many others.

Title I tells employers they cannot discriminate based on disability against a person with a disability who is "a qualified individual."

A qualified individual is a person with a disability who has the skills and training to do the job. The person must be able to do the

important parts of the job either with a little extra help from the employer or with no extra help.

The title I regulations tell employers the kinds of things they have to do to help people with disabilities apply for a job, have a job, get pay and benefits, get a better job.

But, even if you are a "qualified individual," you still might not get the job. The ADA does not promise you will get a job. Somebody else might be more qualified than you are. The ADA only stops discrimination based on your disability.

State and Local Government Services - Title II

Overhead # 11 - Public Library/City Recreation Center

What does this picture show? It's actually two pictures --- a public library and a city recreation center. Title II of the ADA has rules about all kinds of places that are run by state or local (city, village, county, borough, township, etc.) governments. This picture just shows two of these kinds of places. There are many, many others.

Let's look at the places where you go. Let's see if some of you go to places that are run by state or local governments.

Go over the list of places and select those that are operated by state or local governments. It's likely trainees may have mentioned going to the park (often a city park), or to ballgames (often held in a stadium owned by a local government), or camping (often a state park). Trainees who are active in self-advocacy may have been to visit a city council meeting or to see one of their state legislators. If the trainees didn't share many state or local government entities in *Going Places*, ask them if they have ever been to the kinds of places mentioned here. Then add those to your title II flip chart.

Title II of the ADA gives rules that cover state and local government programs and services. State and local government programs and services include all offices, departments, agencies, programs, and services run by:

- cities and towns like (name of town where training is being conducted)
- counties like (name of the local county)
- states like (name of your state)

The rules tell state and local governments that they must run their programs so that people with disabilities can participate -- get services and do activities. The rules also talk about the buildings used by state and local government. Jobs in all state and local government programs are also covered by the ADA.

There are many, many kinds of services that are covered by this part of the ADA. Here are just a very few examples:

- city/county/state government meetings
- polls for voting for local or state elections
- community parks and recreation centers
- public libraries
- special programs that provide services to help people
- state parks and campgrounds
- public schools
- public hospitals

Stores, Restaurants, etc. - Title III

Overhead # 12 - Cafe and Video Store

What does this picture show? Right, it shows a cafe and a video rental store. Title III of the ADA has rules about all kinds of stores. This picture just shows two of these kinds of places. There are many, many others.

Let's look at the places where you go. Let's see which ones are title III places.

Go over the list of places and select those that are places of public accommodation--that is, places open to the public like restaurants, stores, services (refer to "Who Must Comply with the ADA?" in Appendix A - ADA Background Information if you need to verify). Then add those to your title III flip chart.

Title III gives rules about stores, restaurants, banks, shopping malls, hotels, movie theaters, doctor's offices, bowling alleys, day care centers, health clubs, and many other places where the public is invited to go to do shopping or get services. The ADA law calls these places Public Accommodations.

This part of the ADA also has a smaller number of title III rules for Commercial Facilities. That means businesses where the public is not usually allowed to go--like offices, factories, warehouses. These are places where usually only the employees are allowed to go.

In our training program, we will just talk about "Public Accommodations" because these are the places where most of us go all the time -- stores, banks, restaurants, movie theaters, and many more.

Note that a person's house or apartment is not covered by the ADA. There are other laws that give people with disabilities rights about housing (refer to "Other Disability Laws" in Appendix A - ADA Background Information)

Buses, Trains, etc. - Titles II and III

Overhead # 13 - Bus

Titles II and III also give rules about transportation, like buses and trains. The ADA covers transportation run by local government, like your city bus system. The ADA also covers other transportation run by a private company, like long distance buses that travel between states or like a shuttle bus run by a hotel or a day care center.

Note that airplanes are NOT covered by the ADA; they are covered by the Air Carrier Access Act (see "Other Disability Laws" in Appendix A - Background Information).

Using Phones - Title IV

Overhead # 14 - Telecommunications Device for the Deaf (TDD)

What's this a picture of? --- It's a special phone called a TDD (Telecommunications Device for the Deaf). Sometimes it's also called a Text Telephone. It's a phone where you type messages and read messages, instead of talking and listening.

What kind of person with a disability might not be able to use a regular phone? --- Right, someone with a hearing difficulty or problem speaking clearly due to a disability.

Title IV gives rules about Telecommunications. There are rules to help people who can't use a regular phone.

Title IV says phone companies have to have a relay service. Say a person who uses a TDD wants to call a friend who uses a regular phone. The caller with the TDD calls the relay service. That operator answers on a TDD and then uses a regular phone to call the friend. The caller uses the TDD keyboard to type what he or she wants to say. The operator's TDD shows the message. The operator reads the TDD message and then uses the regular phone to say those exact words to the friend. When the friend speaks, the operator types the friend's exact words on the TDD keyboard. The person with the TDD then reads the message.

The relay service helps a person using a TDD call other people and places just like everyone else.

Now you can really see how many places you go, how many parts of your life have something to do with the ADA. This is why it is so important for you, as self-advocates, to learn about the ADA. The ADA is involved in so many parts of our lives that we really need to know something about it.



MINI-REVIEW

What's the ADA? What does A-D-A stand for? --
- Americans with Disabilities Act.

WHAT is the ADA? --- It's a law.

WHERE is the ADA a law? --- all over the U.S.

What problem is the ADA meant to solve? ---
Discrimination based on disability.

WHO does the ADA give rights to? --- People
with disabilities.

Does the ADA only give rights to people who
use wheelchairs? --- No, the ADA gives rights to
people with many different kinds of disabilities.

People with what other kinds of disabilities? ---
People who are blind, deaf, have speech
impairments, mental retardation, epilepsy, etc.

Are you protected by the ADA? --- Yes.

In responding to the next question,
trainees may give a specific place such as
"grocery store." In this case, repeat the
answer and add the big heading, such as
"right, grocery stores are in our big
heading Stores, Restaurants, Hotels, etc.
or Public Accommodations."

Name parts of life that are covered by
the ADA ---

Working
State and Local Government Services
Stores, Restaurants, etc.
Buses, Trains, etc.
Using Phones.

Section 4 - What are the ADA Rules?

Learning Goals:

Through participating in this part, trainees will be able to:

1. Say the ADA rules are meant to help people with disabilities get to do things everyone else does, such as shopping, doing activities, getting services.
2. Give at least one simple illustration of an ADA rule.

Overheads:

15 - 18

Each title of the ADA law has many, many different rules. There is so much to know about the ADA that most people just learn the basics. Then they call up an ADA information service if they need to know more details.

Since we can't learn all the ADA rules, we will look at four very basic kinds of rules in the ADA law. These rules apply to State and Local Government Services and Stores, Restaurants, etc.--many of the places you go.

TREATING PEOPLE WITH DISABILITIES FAIRLY

Overhead # 15 - Man and woman at movie theater window

The ADA rules require that places covered by the law must treat people with disabilities in the same way they treat people who don't have disabilities. That means making sure that people with disabilities are given the same chance as people without disabilities to shop, do activities, get services.

There are things title II and III places must do so people with disabilities can be treated like other people who don't have disabilities.

Take a look at the picture to see just one example. What do you see here? --- A woman in a wheelchair and a man are at the window of a movie theater. They are buying tickets to see a movie.

The movie theater must treat the woman with a disability in the same way as her friend who

doesn't have any disability. She should have the same opportunity to come in and see a movie as anyone else. The movie theater can't stop her from coming to the show just because she is a person with a disability.

Here is another example:

A city park that has a basketball court can't stop a man with Down syndrome from playing basketball just because he has a disability.

That's because a title II place or a title III place can't keep out a person with a disability just because of the disability.

And, a title II or title III place has to let people with disabilities do the same activities in the same places at the same time as people who don't have disabilities. The ADA says people with disabilities and people without disabilities should be able to do things together.

For example:

A city swimming pool must let a man who has mental retardation swim during regular swim hours even if there is also a special swim class to help people with developmental disabilities.

An ice skating rink can't make people with disabilities skate only at one end of the rink behind a roped area if everyone else can skate all over the rink.

MAKING CHANGES IN THE WAY PLACES DO THINGS

Overhead # 16 - Two men in restaurant; server reading menu

The ADA rules require that places covered by the law make some changes in the way they do things so that people with different disabilities can have access to goods and services unless doing so would change the type of goods and services being offered. Here's just one example--what is this picture about?

Right, two men are in a restaurant, and the server is reading the menu to them. Why do

you think the server is doing that? What kind of disability do these two people have that prevents them from reading the menu on their own? --- Yes, they could be blind or have some other vision impairment. Or they may not be able to read because of they have a learning disability like mental retardation.

Usually the server in the restaurant would not read the entire menu to every person who comes there to eat. But the ADA says the restaurant has to make some changes so that people with different disabilities can use the restaurant. So, here the restaurant is making a change for these two guests, neither of whom can read. The server offers to read the menu so these guests will be able to order just like everyone else.

Remember, this is just one example. There are hundreds of different kinds of places covered by the ADA and many different kinds of changes the places may have to make to help people with different disabilities have access.

GIVING HELP WITH COMMUNICATING

Overhead # 17 - Doctor with patient and sign language interpreter

The ADA also has rules about helping people whose disabilities make communicating difficult. What do you see here? --- It's a doctor. She is meeting with a patient. There is also a sign interpreter. Why is he there? --- The patient is deaf or doesn't speak, and she uses sign language to talk. If the doctor has a very important matter to talk over with the patient--like a decision to have surgery--the doctor may need to arrange for a sign interpreter to be there to help communicate.

The ADA says the doctor would not have to provide special help with communicating if the doctor could show that providing special help would make a very big change in the medical services she provides or would cost a lot of money or be very hard to do. But the ADA says the doctor should try to find some other way to help that wouldn't make a big change or be too costly or hard to do.

Different kinds of help are needed for different situations. If the doctor just had a simple matter to talk over with the patient, and the patient can read, the doctor might be able just to write notes to communicate.

MAKING PLACES EASY TO GET INTO AND USE

Overhead # 18 - Woman using ramp to enter store

What do you see here? --- Right, a woman is using a ramp to get up to the entrance of a store. Why is she using a ramp? What would stop her from entering the store? --- Her wheelchair could not get over the curb without a ramp. The curb is a barrier--that is, it would have stopped this woman from being able to enter the store. This picture shows that the store has removed the barrier by adding a ramp.

What other barriers might the woman meet when she gets to the door, or gets inside? --- Right, the door might not be wide enough to get through, or the door might be too hard to open. Once inside, the aisles might not be wide enough, or there might be displays in her way. The store and all other businesses like restaurants, hotels, movie theaters, and many others have to remove barriers like this curb if it won't cost much to do or if it won't be too hard to do. If a business can show that removing a barrier costs too much or is too hard to do, the business has to try to find another way for people with disabilities to be able to have access to the things the business does or activities it offers.

This is just one example of how businesses must do things to make their buildings easy to get into and move around in.



MINI-REVIEW

We've just looked at pictures about some of the ADA rules. What are some of the basic ADA rules?

It's likely that you'll have to prompt answers by reminding the trainees of the four pictures they have just seen.

The ADA has four very basic kinds of rules that apply to State and Local Government Services and to Stores, Restaurants, etc. ---

- Treating People with Disabilities Fairly
- Making Changes in the Way Places Do Things
- Giving Help with Communicating
- Making Places Easy to Get Into and Use

What's the ADA? What does A-D-A stand for? --
- Americans with Disabilities Act.

WHAT is the ADA? --- It's a law.

WHERE is the ADA a law? --- all over the U.S.

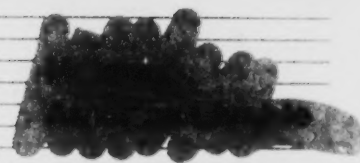
What problem is the ADA meant to solve? ---
Discrimination based on disability.

WHO does the ADA give rights to? --- People with disabilities.

Does the ADA only give rights to people who use wheelchairs? --- No, the ADA gives rights to people with many different kinds of disabilities.

Are you protected by the ADA? --- Yes.

Section 5 - Using the ADA to Deal with Discrimination



Learning Goals:

Through participating in this part, trainees will be able to:

1. Give a simple description of the discrimination based on disability in at least one case story.
2. Name two types of people who could be of help in solving a discrimination problem.

Overheads: # 19 - 36
(# 19 - 30 are optional based on your choice of which stories you will use)

Handouts: Copies of the
"ADA Help" Checklist

Earlier we talked about what discrimination is. Let's say it one more time --

Discrimination is when a person is treated unfairly just because of some group the person belongs to.

What kind of discrimination is the ADA meant to stop? --- Discrimination because of disability.

Sometimes people with disabilities are not treated fairly by stores, restaurants, doctors, banks--many of the kinds of places you go.

Let's take a look at some real-life stories of real things that have happened to other people with disabilities, how they experienced discrimination based on disability. We'll see how they found out more about the ADA and sometimes got other people to help them find out about the ADA. We'll talk about what you might do if you were in the same situation.

After we look at some of these stories, we'll help each of you make a list of people to ask for help if you think you may be experiencing discrimination just because of your disability. You will also have a chance to share your own experiences with discrimination, and we will see what to do about the problem.

Activity 5-1: What's Going On Here?

This activity will help trainees recognize discrimination based on disability. In this activity, you will tell brief stories about different self-advocates who faced a discriminatory situation.

You can choose from any of four stories, each dealing with a different type of "access problem" and each relating to a basic type of ADA rule for titles II and III:

Treating People with Disabilities Fairly
Jeff's Story - Overheads # 19 - 21

Making Changes in the Way Places Do Things
James' Story - Overheads # 22 - 24

Giving Help with Communicating
Lateesha's Story -
Overheads # 25 - 26

Making Places Easier to Get Into and Use
Rose's Story - Overheads # 27 - 30

If your time is very limited, be sure to allow enough time to do the next activity, Activity 5-2: Using the "ADA Help" Checklist. It uses another situation, **Suzanne's Story**, to give trainees a more detailed view of responding to a discriminatory situation.

As you prepare to conduct the training, read over the stories you intend to use so you will be familiar with them. Then you won't need to read them aloud, but rather can simply show the overheads one at a time and ask the trainees to describe what is happening. This way the trainees will have an active role in telling the stories and answering the questions that follow.

Get the trainees as involved as possible by using some key questions based on the pictures and the training narrative. After doing one, try using just the first overhead in the story and ask the trainees what would they do before you show the next overhead. Help the trainees develop

the ability to think through each situation and discover appropriate courses of action.

We're going to hear about different self-advocates who were discriminated against -- treated unfairly -- just because of their disabilities. These are based on true stories of experiences different self-advocates have had. We'll see what each person did to get help and to use the ADA to solve the problem. We'll follow the story in pictures while I read what happened. After each story, we'll answer some questions to be sure we all see what was happening. This will help us learn about recognizing discrimination based on disability.

Jeff's Story - Treating People with Disabilities Fairly

Overhead # 19 - Jeff in bank at teller's counter

Jeff is a young man who has mental retardation. Jeff went into the bank where he has a checking account. He went there to cash a check from his account. The teller didn't cash it. Instead, she asked him, "Do your parents know about this-- have they given you permission?"

- Do you think the teller asks other customers if their parents have given them permission? Does the teller treat all other customers like she treated Jeff?
- What made the teller think that Jeff couldn't take care of his own money?
- Is the teller discriminating against Jeff because of his disability? Why do you think so?

The teller wouldn't cash Jeff's check because she thought Jeff did not have the ability to have his own account. She thought Jeff's disability made him unable to take care of his own money.

The teller treated Jeff unfairly because of his disability.

Overhead # 20 - Jeff with advisor

Now look at the rest of the story. Jeff tells his self-advocacy group advisor what happened. They talk about how Jeff could ask to speak with the bank manager to clear up the problem and make the teller do what she is supposed to do.

Overhead # 21 - Jeff with manager and teller

Jeff goes back to the bank and asks for the manager. He tells the manager what happened, and the manager agrees Jeff was not treated fairly. Together they go back to the teller's window, and the teller cashes Jeff's check. The manager promises Jeff he will see that all the tellers are trained to treat individuals with disabilities in the same way they treat all other customers.

Jeff was fortunate. His story had a very good ending, but not all discrimination problems get solved so easily. Sometimes businesses or other places covered by the ADA refuse to do what the law says. See what happens in another story about a young man named James.

James' Story - Making Changes in the Way Places Do Things

Overhead # 22 - James looking at restroom doors

James has mental retardation. He was having dinner in a restaurant and needed to use the restroom. The waiter pointed the way toward the restrooms. When James got there, he looked at the restroom doors to see which one was for men. One door had a sign that said "Bucks." The other door said "Does." James didn't know which door to go in. The ADA says if restrooms are provided for the use of guests, then the restrooms should be accessible.

First ask the men in the training group which restroom they would use. Then do the same with the women.

- Which restroom would you use? Do you know which restroom is for men and which is for women?

Section
5

- Why did the restaurant use these names? What do the names mean?
- Do you think other people who eat in that restaurant are able to read the signs and find the right restroom? Why/why not?

James had no idea which restroom was for men, because he couldn't understand what the names meant. James had to go find someone to tell him which one was the men's room. He was unable to use the restroom by himself. James was treated unfairly by the restaurant because of his disability.

Overhead # 24 - James and the manager look at new signs

The manager made some simple changes-- adding the picture symbols and the words "men" and "women" to the signs. Now people with disabilities who can't read or who can read but have difficulty understanding what is meant by "Bucks" and "Does" can find the right restrooms.

Discuss with trainees that there are many different symbols and pictures that businesses and services can use to help people who cannot read or read well. You might use the example of a graphic of a stairway with an arrow often used to show people the way to the stairs. Emphasize that the ADA **does not** require businesses and services to use graphics and pictures. However, note that places can be encouraged to use them because it often helps everyone know where things are.

Lateesha's Story - Giving Help to People Who Don't Speak Clearly

Overhead # 25 - Lateesha in store aisle, clerk peering back at her from other end of aisle

Lateesha has mental retardation. Because of her disability, Lateesha's speech is a little hard to understand. Lateesha went into a big discount store to look for a radio. She walked through part of the store looking for the electronics area but couldn't find it. She saw one of the store clerks. Lateesha stopped to ask the clerk for

help. The clerk just frowned, mumbled something about not understanding, and moved away from Lateesha. Lateesha started walking through the store hoping she might find the radios on her own, but she never did, and she finally just left and went home.

- Did Lateesha get the help she needed from the store clerk? Did Lateesha find the radios? Why not?
- Do you think the store clerk understood what Lateesha said when she asked for help?
- Is this discrimination based on disability? Why/why not?

The store clerk didn't understand what Lateesha said. Then she just tried to ignore Lateesha.

Overhead # 26 - Lateesha talking to a friend about what happened
Mask the overhead so only the first image, the one of the two women, is visible.

Here's what Lateesha did next. She talks with a family friend about what happened. Her friend suggests they go back together and talk to the store manager. They can remind the manager the ADA says stores must be accessible to people with disabilities. The clerks in the store need to learn how to assist people who may not be able to speak very clearly or who have other difficulties due to their disabilities. Lateesha and her friend decide what Lateesha could say to the store manager.

Overhead # 26 - Lateesha, her friend and the store manager
Let the entire overhead be seen.

Lateesha and her friend return to the store. Lateesha tells the store manager what happened. The manager listens carefully and asks Lateesha to repeat the parts she can't understand. Lateesha's friend listens and helps out only when Lateesha asks for some assistance. The manager agrees to see that the clerks get training on how to be sensitive and helpful to shoppers with disabilities. Lateesha suggests that her self-advocacy group might be interested in meeting with the store employees, too.

Rose's Story - Making Places Easier to Get Into and Use

Overhead # 27 - Rose at curb in front of store

Rose uses a wheelchair because she had a stroke and cannot walk. One morning, Rose decides to go shopping at the quick-stop convenience store two blocks from her apartment. When she gets there, she discovers she can't get to the door because there is a curb.

- What stopped Rose from going into the store?
- Do you think most other customers can get into the store? Why can they?
- Are there other customers who can't enter the store either? Who are they?
- Is the store discriminating against Rose based on her disability? Why or why not?

Rose couldn't get to the door of the store because there was a curb. There wasn't any ramp, so her wheelchair was stopped at the curb. Rose was treated differently than other customers just because of her disability. It is possible that the barrier, the curb, does not need to be removed if the store can demonstrate that it would cost too much or be too hard to install a ramp. In that case, the store would have to try to find another way for Rose to be able to shop.

Overhead # 28 - Rose making calls

Rose goes back home. She calls Jeannie, a staff member at a day program where she used to go. Jeannie tells Rose she thinks the ADA has rules about stores being accessible--that is, easy to get into for people with disabilities. Jeannie gives Rose the 1-800 phone number for the Department of Justice ADA information service.

Rose calls the Department of Justice. The information specialist tells her the store must follow title III of the ADA, the part of the ADA that has rules for stores, restaurants, theaters and many other places where the public can go to buy things or do activities. The specialist tells Rose about the ADA rules on "Barrier Removal." The store is supposed to take away barriers--things that stop people from getting inside the store or moving around the store--if it's easy to

do and won't cost too much money to do. The store manager or owner needs to figure out if it will be easy and not cost too much to add a ramp. But if it is too hard to do or costs too much, then the store has to try to find another way for Rose to be able to shop. Maybe the store clerk will come outside to sell the groceries to Rose. Or maybe the store will give free delivery to Rose at her home.

Overhead # 29 - Rose giving ADA information to the store manager

Rose gets another self-advocate to help her take the ADA information to the store manager.

Overhead # 30 - Rose on the ramp

The store finds out it won't cost too much to add the ramp, and they realize the ramp will help many other people get into the store to spend their money, too.



MINI-REVIEW

One thing is the same in all the stories we've heard --

The people were treated differently because of their disabilities. They were treated unfairly just because of their disabilities.

Ask questions pertaining to the story or stories you used. Encourage trainees to answer.

Let's review what happened to each of them and how they were treated.

- Why was Jeff stopped from cashing his check by a teller?
The teller stopped Jeff because she thought his disability made him unable to take care of his own money.
- Why couldn't James find the right restroom?
James' disability kept him from reading very well or understanding what the animal names on the doors meant.

Section

5

- Why couldn't Lateesha buy a radio? Lateesha's disability made her speech hard to understand. The store clerk ignored Lateesha because she couldn't understand what Lateesha said.
- What stopped Rose from shopping in the store? Rose used a wheelchair to get around because of her disability. Rose's wheelchair couldn't get past the curb.

All of these people were treated unfairly because of their disability. And we all know the word for that --- discrimination based on disability.

Activity 5-2: Using the "ADA Help" Checklist

This activity will help trainees recognize a potentially discriminatory situation and understand steps they can take if faced with a similar experience. "Suzanne's Story" is set in a title II place, a city park and recreation center.

Suzanne's Story:

Overhead # 31 - Suzanne at the recreation center

Suzanne lives in Fairview. She has played tennis a little bit with her father, but now she wants to really learn how to play. She found out that the Fairview City Parks and Recreation Department has a beginners' tennis class. Suzanne happens to have Down syndrome.

Suzanne goes into the recreation center to sign up and pay the class fee. But the staff member tells her she can't be in the tennis class. The staff member says Suzanne can't be in the tennis class because she has a disability. The staff member tells Suzanne she could take the special exercise class for people with disabilities. Suzanne tells the staff member she wants to be in the tennis class, but the staff member still says no. Suzanne leaves. She is angry, but she isn't sure what to do.

Overhead # 32 - Suzanne talks to her father

What does this picture show? Suzanne is telling her father what happened at the recreation center. What is her father doing? He's writing down exactly what happened so it will be easy to remember.

Overhead # 33 - Suzanne calls an ADA information service

What is Suzanne doing here? She is calling the ADA information hotline at the Department of Justice to tell them what happened and to find out what the ADA law says about it.

Overhead # 34 - Suzanne receives the ADA information

The information specialist tells Suzanne they will mail her information about title II, the part of the ADA that covers State and Local Government Services like the city of Fairview parks and recreation center.

Overhead # 35 - Suzanne takes the information to the recreation center

What is Suzanne doing here? She is giving the ADA title II information to the recreation center director.

But the recreation center still won't let Suzanne join the tennis class.

Overhead # 36 - Suzanne calls the city of Fairview ADA Coordinator

Suzanne learned from the ADA information service that State and Local Government Services that have 50 or more employees must have an ADA Coordinator to handle complaints. So, Suzanne calls the city of Fairview and asks to speak to the ADA Coordinator. Suzanne makes a complaint.

NOTE: If this were a title III place, for example, a health club privately operated by a business or a non-profit agency, Suzanne would not have the recourse of calling a "city ADA coordinator" since title III places are not required to have an

employee to handle ADA complaints. If this were a privately operated health club, Suzanne could find out the name of the business or agency that owns or operates the club. She could get her father to help her write a letter of complaint directly to the chief executive officer or executive director. After that, if the problem was still not resolved, she could recontact the Department of Justice to file a complaint or she could file a private lawsuit. At the same time, she could also choose to involve a dispute mediation service to help.

Distribute copies of the "ADA Help" Checklist.

Suzanne's Story gives us a chance to use the "ADA Help" Checklist. This is just a short series of questions that you can use to figure out what is happening and what to do if you think you may be experiencing discrimination based on disability. If you don't read or don't read very well, you can listen as I read each question.

The questions on the "ADA Help" Checklist are written for us, but we will use them to look at Suzanne's situation.

1. What kind of place is this? Who owns or operates this place?

This is a parks and recreation center. It's operated by the city of Fairview.

2. What is happening?

Suzanne is being turned away from a tennis class she wants to take.

3. Am I being discriminated against because of my disability or for some other reason?

Suzanne has been told by the recreation center that she is not allowed to take the tennis class. The reason they won't let her in is that she has a disability. The center wants her to take the special class just because Suzanne has Down syndrome.

Suzanne meets all the qualifications to take the class: she lives in Fairview, she can pay the class fee, and she is just learning how to play so she should be in a beginners' tennis class. She might need a little extra time in learning how to play or how to keep score, but these are changes the center may need to make, according to the ADA rules, so that Suzanne can be in the class.

The only reason Suzanne is being stopped from taking the class is that she has a disability. That's discrimination based on disability.

4. Who in my personal network can I talk to about this?

Suzanne chooses to talk with her father. There may also be other people she knows who could help.

5. Where can I call to find out if this is an ADA problem and what to do next?

Suzanne calls one of the ADA information services. You will each receive a list of them in a moment. Since Suzanne's father helped her write down exactly what happened, she is able to explain all the facts to the ADA information specialist. The specialist tells Suzanne what part of the ADA is involved in the problem and sends her the information she needs.

The ADA information service sends Suzanne:

- Information on the title II rules about being sure people with disabilities have access to programs and about including people with disabilities in programs along with people who don't have disabilities
- Information on the title II rules requiring cities and other State and Local Governments that have 50 or more employees to have an ADA coordinator to handle any complaints
- Information on how to file a title II complaint with the U.S. Department of Justice
- Information about how to find a dispute mediation service
- Information on her rights to file a private lawsuit

Suzanne finds out that the title II rules should permit her to take the tennis class. She gives the center director a copy of the title II information, but nothing is done about the problem. She then calls the city of Fairview to find out who is their ADA coordinator. She calls the ADA coordinator to file a complaint.

6. If nothing changes, what else can I do?

Suzanne could do any of these things:

- File a title II complaint with the Department of Justice.
- Contact a local dispute mediation service to see if they can help.

A dispute mediation service is a special program to help when you are having a problem with another person or organization. The ADA rules don't say Suzanne has to use a dispute mediation service, but the ADA encourages people to consider trying to solve their problems this way before filing a lawsuit.

- File a private lawsuit.

A lawsuit is when people take their fight to lawyers who give information to a judge, and sometimes a jury, who will give an answer and end the fight. Lawsuits can cost a lot of money, but they can sometimes solve the problem. In a private lawsuit, the ADA rules can make the city pay Suzanne's attorney fees. The ADA rules also say the city might have to pay money called "damages" to Suzanne.



MINI-REVIEW

What is the big problem that the people in these stories faced?

discrimination based on disability

The people were treated differently just because of their disabilities.

Ask questions pertaining to the story or stories you used. Encourage trainees to answer.

Let's review what happened to each of them and how they were treated.

- Why was Jeff stopped from cashing his check by a teller?

The teller stopped Jeff because she thought his disability made him unable to take care of his own money.

- Why couldn't James find the right restroom?

James' disability kept him from reading very well or understanding what the animal names on the doors meant.

- Why couldn't Lateesha buy a radio?

Lateesha's disability made her speech hard to understand. The store clerk ignored Lateesha because she couldn't understand what Lateesha said.

- What stopped Rose from shopping in the store?

Rose used a wheelchair to get around because of her disability. Rose's wheelchair couldn't get past the curb.

- Why couldn't Suzanne sign up for the tennis class?

The recreation center said she could only sign up for the special class for people with disabilities. They wouldn't let Suzanne sign up for tennis just because she has Down syndrome.

All of these people were treated differently or unfairly because of their disability. And that is called --

discrimination based on disability.

Now, who did the people in these stories turn to for help?

Ask this question in relationship to the story or stories you used. Encourage trainees to answer.

- Jeff got help from ---

the advisor for his self-advocacy group.
Jeff also talked to the bank manager to get the problem solved.

- James got help from ---

a lady who works at an agency he knows.
James also talked to the restaurant manager.

- Lateesha got help from ---

a friend of hers. Together with her friend,
Lateesha went and talked to the store manager.

- Rose got help from ---

an ADA information service.
She also talked to the store manager about the problem.

- Suzanne got help from ---

the Department of Justice ADA information line. She also talked with her father about the problem, and he helped her get more information.

Section 6 - Making the ADA Work for Us

Learning Goals:

Through participating in this part, trainees will be able to:

1. Using the illustration of "Suzanne's Story," give a simple description of the assertive way to respond to a discrimination problem.
2. Give a simple description of what the trainee would do in a personal example of a discrimination experience.

Overheads: # 31 - 36 (if you need them to help review Suzanne's Story as you prepare to do role plays)

Handouts: Prepare duplexed copies of the ADA informational coupon ("Like to attract 54 million new customers?"); use a heavier stock of paper such as a 60, 70 or 80 lb. stock.

Prepare copies of the *Using the ADA Information Coupons* sheet.

We have seen how different people handled discrimination problems. Let's take a closer look at our story about Suzanne. We'll look at the way she talked to the recreation center staff when she was dealing with the discrimination problem.

Activity 6-1: What We Do Makes a Difference

This role-play activity will help trainees recognize that being demanding and aggressive is not the best way to ensure one's rights are respected. It gives an opportunity to talk about being fair, business-like and appropriate in asserting one's rights.

For the role-plays, you can play the part of Suzanne and have your co-trainer take the part of the staff member. You may want to repeat the role-plays again in order to involve trainees in the parts. For example, you could have a trainee play the staff member and you play Suzanne.

Following the role-play, you can ask the trainee how it felt to have Suzanne shout and make demands.

Sometimes it's easy to become angry if we are facing a situation where discrimination is happening. For example, if we think someone is not giving us our rights, we may feel like shouting at them or demanding that they be fired. But getting angry, shouting, and making demands is not usually the best way to get people to respect our rights.

Let's look at Suzanne's Story once more.

Role Play 1:

In the first role play, play the part of Suzanne in an aggressive manner. When she responds to the staff member, Suzanne should be demanding, angry and a bit threatening. Frown. Raise your voice. Move in a little too close to the Staff Member as you respond to being told you must take the special class.

Suzanne: I want to sign up for the tennis class.

Staff Member: Oh, um, you can't take that class. We have a special exercise class just for people like you...it's our disability class.

Suzanne: (banging her fist on the counter)
What do you mean? I have my rights. You can't treat me like this. You have to let me into the tennis class. I demand my rights!

Staff Member: (angry, voice louder, leaning forward a little)
I told you, you can't be in that class. Now if you want to sign up for the class I told you about, well that's fine. I don't have to put up with this, you know.

Drop roles. Ask the group to think about the role play and answer the following questions.

Think about how Suzanne acted and talked.
 Think about what happened.
 What did Suzanne want?
 How did Suzanne stand? Look? Move?
 What did Suzanne say?
 How did Suzanne sound?
 How did the Staff Member respond?
 Did Suzanne get what she wanted?
 How did you feel watching the scene?
 If you were Suzanne, would this be a good way
 to talk to the Staff Member? Why or why not?
 Do you think you would get what you want?
 Why or why not?

Role Play 2:

This time Suzanne demonstrates a friendly, assertive, business-like manner. Suzanne stands in a relaxed posture, feet slightly apart, body easily balanced, arms comfortably at sides. She stands at a comfortable, conversational distance from the Staff Member. She looks directly at the Staff Member. Suzanne smiles and uses good eye contact. She has a calm, friendly tone of voice and stays in control even when she feels anger.

Suzanne: Hello.

Staff Member: Hi. Can I help you?

Suzanne: I'd like to sign up for the tennis class.

Staff Member: Oh. Well, you can't be in that class. We have a special exercise class for people with disabilities.

Suzanne: Well, I really want to take the tennis class. That's the one I want.

Staff Member: You can't be in that class, I'm sorry.

Suzanne: Could you tell me why?

Staff Member: It's just our policy. If you have a disability, you have to take the special class.

Suzanne: I don't want the special class. I

want to take tennis. May I talk to the center director?

Staff Member: Well, she's not here right now. You'll have to come back.

Suzanne: May I have her name and phone number please?

Staff Member: Well, OK. Here it is.

Suzanne: Thank you.

Drop roles and again ask the questions.

Now think about the way Suzanne acted and talked this time.

How did Suzanne stand? Look? Move?

What did Suzanne say?

How did she sound?

How did the Staff Member respond?

Did Suzanne get what she wanted?

How did you feel watching the scene?

If you were Suzanne, would this be a good way to talk to the Staff Member? Why or why not?

Do you think you would get what you want?

Why or why not?

In the first role-play, Suzanne was angry and demanding. Her anger did not help solve the problem. It probably made it worse, because the staff member got angry, too. When people are angry, it can get in the way of solving the problem.

In the second role-play, Suzanne was calm and friendly. She asked questions in a business-like way that showed she was confident of herself, but she was still polite. By acting this way, Suzanne helped herself. Both Suzanne and the staff member stayed calm, and Suzanne was able to find out important information--why the center would not admit her to the tennis class and the name of the director so Suzanne could call her to get the problem taken care of.

This activity is to help you see that even though you have rights under the ADA, you have a responsibility to assert your rights in a polite and businesslike way. Having rights under the ADA does not give you the right to be rude, to shout or threaten other people. And acting in an angry way often just makes the problem worse.

Activity 6-2: Our Stories

Provide an opportunity to discuss other discriminatory experiences trainees may have had. Use the "ADA Help" Checklist to talk through each experience. Encourage them to refer to their *Personal Network* form and *The Phone List* so these become more familiar.



MINI-REVIEW

HOW OUR SELF-ADVOCACY GROUP CAN HELP

Hand out the *ADA Information Coupons* and accompanying article.

There is a lot to know about how to use the ADA. This training is just a beginning. There are activities you can do to learn more.

There are also things you can do to help the businesses in your city/town/neighborhood learn about the ADA rules. These activities would be good to do with your self-advocacy group, if you are a member of one.

- Get some of the information that is available about the ADA.

There are lots of things you can read about the ADA and some materials that also have pictures to help you learn. Some information may be free, some may have a cost.

Use your copy of *The Phone List* to look up places you can call or write to find out more about the ADA.

- Practice using the "ADA Help" Checklist when you have a discrimination problem.

This could be a very good activity to do with your self-advocacy group so that everyone will learn from your experience.

- Give out *ADA Information Coupons* to businesses to help them learn about the ADA.

Cut apart these coupons. Give them to places where you go such as--

restaurants
laundry/dry cleaners
movie theaters
banks
bowling alleys
grocery stores
gas stations
recreation centers
others...

- Present information to businesses in your community on how to treat people with mental retardation with respect and how to be more accessible to people with disabilities.

-Several self-advocates could be on a panel to go out and give a talk to a local chamber of commerce meeting.

- Invite business people to come and visit your self-advocacy group and plan a special meeting that day on the ADA and on how to assist individuals with mental retardation.

- Places that might be able to help you set up such a meeting are:
 - Your local Chamber of Commerce
 - Your local library could help you find the names and addresses of different clubs and service groups
 - Your church, synagogue, or other religious organization could help you find business people who are members
- Ask your ADA trainers to plan another meeting for your group to learn more about the ADA.



FINAL REVIEW

What does A-D-A stand for? --- Americans with Disabilities Act.

What is the ADA? --- It's a law.

Who are the people the ADA is meant to help?
--- People with disabilities.

Is the ADA only for people who use wheelchairs? --- No, it's for people with many different kinds of disabilities.

What problem is the ADA meant to stop? --- Discrimination based on disability. The ADA law says discrimination based on a person's disability is wrong.

The ADA tells businesses and other places the things they must do to help people with disabilities have the same chance as everyone else to do things. What kinds of things? ---

- work in a job;
- do activities like using a public library, going to a city council meeting, voting in a state or local election, being in a swimming program at a city park;
- shop in stores, use banks, eat in restaurants, do activities such as go to the movies, play tennis, attend a meeting at a hotel, go see a ballgame, visit an amusement park or a museum;
- ride the bus or other transportation.

What are some of the places you go that are covered by the ADA?

Encourage trainees to call out some of the place names they gave during "Going Places." Refer them to the flip chart pages on the wall.

What are some parts of life that are covered by the ADA?

- Working
- State and Local Government Services
 - like city council meetings, convention centers, ballparks, community parks and

recreation centers, public schools, local voting, public libraries

- Stores, restaurants, etc. (Public Accommodations) -- like shopping malls, stores, movie theaters, restaurants, banks, etc.
- Transportation -- like city buses, trains, hotel shuttles, etc.
- Telecommunications -- special phone services to help people who use TDDs and can't use regular telephones because of their disabilities

Who can you talk to if you think you may be experiencing discrimination? --- (names of people on the trainees' *My Personal Network* forms)

Where can you call for ADA information? --- (places on *The Phone List*)

ADA BACKGROUND INFORMATION

This Appendix serves as a review of very basic information about the Americans with Disabilities Act. It is composed of three parts:

Who Must Comply with the ADA? - gives "at-a-glance" listings of covered entities

Executive Summaries - gives brief overviews of the definition of disability, the provisions of each major title, remedies available under each title for protected individuals who have experienced discrimination based on disability

Overview of Titles II and III - gives brief overview of the key concepts of these two titles, aspects that are the same, those that are different and specific examples for further clarification

Disclaimer:

This appendix alone is not sufficient to fully prepare a trainer to conduct the training (**Making America Livable**). As noted in the program foreword, trainers must already be familiar with the ADA to effectively use the training program. This appendix serves solely as a brief reference tool on ADA basics and is not a comprehensive guide to the ADA. The ADA itself and the ADA regulations should be consulted for further specific guidance.

WHO MUST COMPLY WITH THE ADA?

Title I - Employment

Private employers, state and local governments, employment agencies, labor unions, and joint labor-management committees are covered by title I.

Employers are covered if they have 15 or more employees, including part-time employees, working for them for 20 or more calendar weeks in the current or preceding calendar year.

State and local governments are covered by title II regardless of the size of their workforces.

Religious organizations are covered by title I, but they may give employment preference to people of their own religion or religious organization.

The legislative branch of the U.S. Government is covered by title I, but it is governed by different enforcement procedures established by the Congress for its employees.

The following are exempt from title I:

1. Executive agencies of the U.S. Government (they are covered by similar nondiscrimination requirements and additional affirmative action requirements under Section 501 of the Rehabilitation Act of 1973);
2. Corporations fully owned by the U.S. Government;
3. Indian tribes; and,
4. Bona fide private membership clubs that are not labor organizations and that are exempt from taxation under the Internal Revenue Code.

Title II - State and Local Government

All programs, activities, and services provided by or operated by State and local governments are covered by title II.

A public entity covered by title II is defined as --

1. Any State or local government;
2. Any department agency, special purpose district, or other instrumentality of a State or States or local government; or
3. Certain commuter authorities as well as AMTRAK.

Title III - Public Accommodations

Places of public accommodation, commercial facilities, and private entities that offer examinations or courses related to applications,

licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes; and private entities primarily engaged in transporting people are covered by title III.

Places of public accommodation means a facility, operated by a private entity, whose operations affect commerce and fall within at least one of the following categories--

1. An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor;
2. A restaurant, bar, or other establishment serving food or drink;
3. A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
4. An auditorium, convention center, lecture hall, or other place of public gathering;
5. A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
6. A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
7. A terminal, depot, or other station used for specified public transportation;
8. A museum, library, gallery, or other place of public display or collection;
9. A park, zoo, amusement park, or other place of recreation;

10. A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
11. A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and,
12. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

The following are exempt from title III:

1. Private clubs (except to the extent that the facilities of the private club are made available to customers or patrons of a place of public accommodation);
2. Religious entities; and,
3. Public entities.

Title IV - Telecommunications

All common carriers (telephone companies) are covered by title IV.

EXECUTIVE SUMMARIES

Definition of Disability

- The ADA's definition of disability is based on the definition under the Rehabilitation Act of 1973. The ADA does not cover actions based on the current illegal use of drugs, and also amended the Rehabilitation Act consistently.
- Under this definition, a person with a disability is someone who (1) has a physical or mental impairment that substantially limits that person in one or more major life activities, or (2) has a record of such an impairment, or (3) is regarded as having such an impairment. This is referred to as the "three prong definition."
- To qualify for coverage under the first prong, the disability must affect some form of major life activity, such as walking, talking, breathing, working, caring for one's self, performing manual tasks, seeing, hearing or learning. The person must have an actual physical or mental impairment -- not simply a physical condition, such as black hair or blue eyes.
- Under the second prong, a person who is discriminated against because of a past experience with a disability would be covered as someone with a record of an impairment.
- The third prong covers a person who has no actual disability or has an impairment that does not pose a limitation in any major life activity, but who is nonetheless treated as someone regarded as having a disability.

Title I - Employment

- The ADA's employment provisions cover all employers who have 15 or more employees, the same scope of coverage which exists under title VII of the Civil Rights Act of 1964. Employers with 25 or more employees were covered as of July 26, 1992, and employers with 15 or more employees were covered as of July 26, 1994.

- Under the ADA, an employer may not refuse to hire a person with a disability, because of the person's disability, when that person is qualified to perform the job.
- A person with a disability is qualified if he or she can perform the essential functions of the job with or without reasonable accommodation.
- Reasonable accommodation means that if there is reasonable modification in a job's requirements or structure that an employer can do, which will allow the employee with the disability to do the job, that modification or change must be made.
- There is a limitation on reasonable accommodation. If the accommodation would impose an undue hardship on the employer, it is not required.
- The standard of undue hardship means that the accommodation cannot impose significant difficulty or expense on the employer, taking into account specifically the size of the business, the resources of the facility involved and the overall resources of the multi-facility employer, the number of employees, and the nature and cost of the accommodation.
- Any individual with a disability who poses a direct threat to the health or safety of others is not "qualified."
- Employers are barred from conducting pre-employment medical examinations or making inquiries into the nature or severity of an applicant's disability. Post-offer medical exams may be conducted under prescribed conditions.
- Employers may not utilize employment tests and criteria that screen out persons with disabilities unless they are job-related and consistent with business necessity.
- Religious entities are covered by the employment provisions, but they may give preference in employment of individuals of a particular religion. They may also require that all applicants and employees conform to the religious tenets of the organization.

Title II - State and Local Governments

- Title II of the Americans with Disabilities Act prohibits discrimination against people with disabilities in programs and activities operated by any local government, such as a city, county or school district, and by state governments.
- Regulations issued by the U.S. Department of Justice pursuant to this title are modeled after the regulation implementing Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against people with disabilities in programs and activities that receive federal financial assistance from the federal government, and in the operation of the federal government's own programs.
- Under the ADA, state and local governments cannot discriminate against qualified individuals with disabilities. Individuals are qualified if they can meet essential eligibility requirements with or without (1) reasonable modifications in policies; (2) removal of barriers (architectural, communication or transportation barriers); or, (3) provision of auxiliary aids and services.
- State and local governments must make reasonable modifications in policies, practices, and procedures when necessary to avoid discrimination on the basis of disability unless the state or local government can demonstrate that modifying the policy or practice would fundamentally alter the nature of the activities or services offered.
- State and local governments are required to make physical access changes in existing buildings if such changes are necessary to provide program access, unless it would be an undue burden, financially or administratively, or it would fundamentally alter the nature of the activities or services offered. However, even though physical changes may not be possible, a government program, service or activity must explore alternatives to provide the person access to the particular services. For example, meals may be provided to senior citizens within a historic building that is not accessible to people in

wheelchairs, and renovation to install a ramp would significantly alter the historic importance of the building. In this case, the government service might deliver the meal to the homes of individuals who use wheelchairs, or set-up an alternative, accessible site for meals. There are exceptions related to historic preservation.

- State and local governments were required to comply with new construction and alterations requirements when building or performing modifications as of January 26, 1992.
- State and local governments are required to provide auxiliary aids and services to enable a person with a disability to use the available goods and services. Examples include providing large print materials, tape recordings, or qualified interpreters.

Title III - Public Accommodations

- The ADA prohibits public accommodations from discriminating against people with disabilities.
- Public accommodations include the type of businesses and services that are used every day. Examples include: hotels, restaurants, dry cleaners, grocery stores, schools and parks. (See regulations for detailed list.)
- The ADA prohibits public accommodations from excluding or refusing to serve a person with a disability.
- Public accommodations are required to make physical access changes in existing buildings if such changes are readily achievable--that is, if they can be accomplished "without much difficulty or expense." An example would be placing a ramp over one or two steps into a store. If barrier removal is difficult or expensive, the public accommodation must make its goods and services available through an alternate method, for example, by providing curb service if it is too difficult or expensive to build a ramp.

- Public accommodations are required to provide effective communication -- often in the form of auxiliary aids and services -- to enable a person with a disability to use the available goods and services. Examples include providing qualified interpreters, notetakers, TDDs, assistive listening devices, qualified readers, captioning, accessibly formulated visually delivered materials (see regulations for a complete list).
- Practicality and effectiveness can be considered in choosing among alternative aids and services. For example, a restaurant would not be required to provide menus in Braille if it had its waiters read the menu to a blind person.
- Public accommodations are not required to provide an auxiliary aid or service if it would impose an undue burden on the establishment, or if it would fundamentally alter the service or goods provided. The size and nature of the business are considered under the law in determining whether providing an aid or service would be an undue burden. If provision of a particular auxiliary aid or service would result in an undue burden or fundamental alternation, the public accommodation has to provide an alternative auxiliary aid or service, if one exists.
- New construction and alterations provisions extend beyond the listed public accommodations and include all commercial facilities, which include all non-residential buildings whose operations will affect commerce. All new construction must be built to be accessible unless it is structurally impracticable to do so.
- Commercial facilities undergoing renovation, including public accommodations, must make the renovated elements and areas accessible to the maximum extent feasible. In the case of renovations in primary function areas, an accessible path of travel and accessible facilities are required as well, so long as such accessibility changes are not disproportionate to the alterations being done (exceeding 20% of the total cost of renovations).

- There is an elevator exemption for new construction and alterations in buildings of less than three floors or less than 3,000 sq. feet per floor. This exemption is not available to health care providers and shopping centers.

Transportation (Titles II & III)

Public Transportation

- The ADA requires that new vehicles bought by public transit authorities be accessible to people with disabilities.
- No retrofitting of existing public buses is required.
- Paratransit service for people with disabilities who cannot use the mainline systems is required, unless providing such service would result in an undue financial burden.
- Rural and small communities which purchase used buses must make a "good-faith" effort to find accessible used buses.

Private Intercity Transit - (Over-The-Road Buses)

- The National Highway System Designation Act of 1995 requires that large Over-The-Road-Buses be accessible two years after DOT issues its final regulations and three years for small Over-The-Road-Buses.
- In addition, the Office of Technology Assessment (OTA) is mandated to do a study to determine the most feasible way to provide access in such buses.
- A specific method for making buses accessible is not mandated by the ADA; the OTA study will determine the most feasible way to provide access.

Rail Transit

- The ADA requires that new rail facilities must be built accessible.
- One car per train in existing rail systems must be made accessible within five years of the enactment of the ADA (July 26, 1990).
- Key rail stations must be made accessible within three years of the ADA's enactment, with exemptions available for extraordinarily expensive situations for up to 20-30 years. Amtrak stations must be made accessible within 20 years.

Title IV - Telecommunications

- The ADA requires all common carriers to provide intrastate and interstate relay services for telephone calls made between users of telecommunication devices for the deaf (TDDs) and users of voice telephones.
- Telecommunication relay services allow persons who use TDDs to communicate with people who don't own a TDD through use of an intermediary person. This effectively opens up communications for people with hearing and speech impairments in a society where most individuals and businesses do not own or use TDDs.
- A TDD is a machine that sends and receives coded signals over telephone lines to other TDDs. These signals show up as printed words on paper or a screen on each end. In this way, people who cannot hear or speak can communicate--if both parties to a call have TDDs.
- A relay system sets up an intermediary to whom the person with a TDD places a call. The intermediary receives the coded TDD message and then relays that message, through voice, to the receiving party who does not own a TDD. The intermediary, in turn, receives a voice message from the receiving party and relays that back to the person with the TDD. (The system works vice-versa when the person placing the call does not have a TDD).

- Before the ADA, some states had set up relay systems. These systems, however, were generally underfunded and understaffed and did not provide consistent, quality services.
- The ADA requires that relay services be available 24 hours a day, seven days a week, at regular rates, just like ordinary telephone services.
- The ADA allows considerable flexibility to both common carriers and states that wish to set up their own systems.
- The ADA allows common carriers to decide the best means for funding the relay systems. Traditionally, telephone companies have added a few pennies a month to the bills of all customers to fund the service.

Remedies

- As to employment, the ADA adopts the remedies available to other minorities under title VII of the Civil Rights Act of 1964. A plaintiff, therefore, has a private right of action after exhausting administrative remedies and the right to get equitable relief in court.
- As provided in the Civil Rights Act of 1991, which amends the remedial provisions of title VII, plaintiffs in ADA cases are allowed to seek limited compensatory damages in jury trials, such as limited damages for pain and suffering.
- Equitable relief may include an injunction to hire or reinstate as well as back pay and benefits.
- As to title II's coverage of state and local government employment, the ADA incorporates the remedies available under Section 504 of the Rehabilitation Act of 1973. Thus, plaintiffs have a private right of action, and the right to seek both equitable relief and money damages in court.
- As to public accommodations and privately funded transportation under title III, the ADA incorporates the remedies available under title II of the Civil Rights Act of 1964.

Thus, plaintiffs have a private right of action and the right to seek injunctive relief from a judge.

- Injunctive relief may include an order to retrofit a building that is not in compliance with access requirements.
- Individuals are not allowed to seek general, compensatory damages under title III, such as damages for pain and suffering.
- In the public accommodations section, the ADA gives the Attorney General the right to bring a suit in cases of pattern or practice of discrimination or when an issue of general public importance is raised. In such cases, a judge can assess a maximum civil penalty of not more than \$50,000 for the first violation and not more than \$100,000 for a subsequent violation, as well as monetary damages -- including those for pain and suffering -- if requested by the Attorney General.
- The telecommunications relay services provisions in title IV of the Act amends the Communications Act of 1934 and essentially uses the administrative remedies procedures established under that Act.
- The public services (including transportation) provisions in title II of the ADA incorporate the remedies available under Section 505 of the Rehabilitation Act of 1973. These are the remedies currently available for violations of Section 504, which may include injunctive relief and monetary damages
- Attorneys' fees are available to a person who prevails in an action under all titles of the ADA.

Executive Summaries above copyright 1990, Disability Rights Education and Defense Fund, Inc. (DREDF), reprinted with permission.

OVERVIEW OF TITLES II AND III

The following gives key concepts of titles II and III in simplified language and illustrates the concepts with specific examples. The legal terms from the ADA regulations appear in parentheses after the simplified explanations.

The rules for title II places and title III places are about:

Treating People with Disabilities Fairly (Prohibitions against discrimination)

There are things title II and III places must do so people with disabilities have the same chance as other people to shop, do activities, get services.

Changes in the Way Places Do Things (Modifications in policies, practices, or procedures)

Title II and III places have to make some changes in the way they do things so that people with disabilities can get goods and services unless doing so would make a big change in the type of goods and services being offered. However, these places still have to do alternative barrier removal.

Help with Communicating (Auxiliary aids and services)

They have to give special help to people who have disabilities that make it hard to communicate--see, hear or speak. The special help might be:

- qualified readers
- taped texts
- audio recordings
- Brailled materials
- large print materials
- qualified interpreters
- notetakers
- transcription services
- written materials
- telephone handset amplifiers
- assistive listening devices
- assistive listening systems
- telephones compatible with hearing aids

BEST COPY AVAILABLE

- closed caption decoders
- open/closed captioning
- telecommunication devices for deaf people (TDDs)
- video text displays

BUT...They don't have to give special help --

- if doing so would make a big change in the type of goods and services being offered;
- OR,
- if doing so would be very hard to do or cost way too much.

Remember, even though title II & III places may not have to make big or expensive changes, they still must do something as an alternative to make their goods and services accessible.

Making Places Easy to Get In and Use

There are rules about building new buildings or fixing up old buildings (New Construction and Alterations).

There are rules about helping people have access to places where goods and services are in buildings that are already there (Program Access and Barrier Removal).

Note that "Program Access" is a term used in title II and "Barrier Removal" in title III. These are different concepts that will be illustrated below in the section entitled "title II and title III Rules That Are Different - Highlights."

The rules for title II places and title III places are almost the same in some ways.

Title II and Title III Rules That Are the Same - Highlights

Treating People with Disabilities Fairly (Prohibitions against discrimination)

Examples:

A city park that has a basketball court can't stop a man with Down syndrome from playing basketball just because he has a disability.

A restaurant can't stop a woman with cerebral palsy from coming in to have lunch.

That's because --

A title II place or a title III place can't keep out a person with a disability just because of the disability (Prohibition of discrimination).

But, suppose a state park offers a boating class. A boy with a disability wants to take the class, but he doesn't know how to swim yet. The state park can stop him from taking the boating class, because he might drown if the boat turns over.

Example:

An amusement park has a roller coaster. The park says you have to be 4 feet tall to ride on the roller coaster. A woman has a disability that makes her very short--only 3 feet 10 inches tall. She won't be allowed to ride the roller coaster.

That's because --

The ADA rules say title II or title III places can have safety rules that really are needed to help everyone stay safe. Safety rules may sometimes keep a person with a disability out (Safety).

Examples:

A city swimming pool must let a man who has mental retardation swim during regular swim hours even if there is also a special swim class to help people with developmental disabilities.

An ice skating rink can't make people with disabilities skate only at one end of the rink behind a roped area if everyone else can skate all over the rink.

That's because --

A title II or title III place has to let people with disabilities do the same activities in the same places at the same time as people who don't have disabilities. The ADA says people with disabilities and people without disabilities should be able to do things together (Integrated settings).

Examples:

A high school student who has mental retardation wants to be in band. His public school must allow him the chance to do that.

A woman who uses a wheelchair can't be stopped from taking an exercise class at a health club just because she can't do all of the exercises.

That's because --

A title II or title III place must give people with disabilities the same chance to do activities as everybody else (Denial of participation).

Examples:

A county runs a day care center for kids. The center says children have to be toilet trained or the center won't let them into the program. A little girl with mental retardation isn't toilet trained yet because of her disability. The center can't use that rule to keep the little girl out.

A video rental store can't make all customers show a driver's license as the only valid proof of identification, because some people with disabilities don't drive. The store must let customers with disabilities show some other I.D. card.

That's because --

A title II or title III place has to be sure it doesn't use rules that usually keep out people with disabilities unless the rule is necessary so they can provide the goods and services (Eligibility criteria).

Example:

If a museum puts in a ramp so people with wheelchairs can get in, the museum can't make the ticket price higher for people who use wheelchairs than for everybody else.

That's because --

Sometimes a title II or title III place spends money to do things the ADA rules require. The place can't make a person with a disability pay more money than another person to help pay for the cost of following the ADA rules (Surcharges).

Changes in the Way Places Do Things (Modifications to policies, practices, or procedures)

Here are examples of the changes they must make so people with disabilities can get in and do activities:

A city housing authority helps people who don't have much money rent an apartment. There's a waiting list to get this help. The housing authority always sends a letter to a person who has applied to get into the program. Then the person has to answer within 10 days or lose his or her spot on the waiting list. A man with a learning disability applies, but he can't read because of his disability and he tells the housing authority of his disability. The housing authority may have to change its policy of only sending a letter. The housing authority may have to call him on the phone so he'll know when to come back to the office.

A clothing store only lets one person go into a dressing room at a time. Suppose a girl with mental retardation needs help from a friend to try on clothes. The store may have to change this rule so more than one person can go into the dressing room at a time.

That's because --

A title II or title III place has to make some changes in the way they do things so that people with disabilities can get goods or services like anyone else (Reasonable modifications to policies, practices, or procedures).

But, let's say a man who has a vision impairment goes into a nightclub to enjoy dinner and music. The lighting is dim in the nightclub. That's because nightclubs are supposed to be kind of dark. The man wants the nightclub to turn more lights on so he can see better. But, if the nightclub turns on more lights, the nightclub won't look and feel like a nightclub anymore. Turning on more lights will make a really big change in the way the nightclub looks, so the nightclub probably doesn't have to turn on more lights. Perhaps the nightclub could provide the man a small table lamp that wouldn't change the lights of the entire club.

That's because --

A title II or title III place doesn't have to make changes in the way they do things if they can show this would make a really big change in the kind of goods or services they provide (Fundamental alteration).

Help with Communicating (Auxiliary Aids and Services)

Here are some examples of the ADA rules about making communication easier for people who have disabilities that affect their seeing, hearing, talking:

A man has a disability that makes it very hard for him to see. He wants to apply to a training program run by the county. There is a long application form, and the man can't see the form very well because of his disability. The county may have to make it easier for him to apply-- maybe by having someone explain the questions on the form and help the man fill it out.

A woman who is deaf uses sign language. She has a doctor's appointment to find out if she is going to need surgery. The doctor may need to get a sign language interpreter to talk with the woman because this is an important medical decision. The woman really needs to understand everything before she decides to have surgery. If the doctor's appointment was for something simpler like getting a bandage for a scrape, the doctor might be able to just write notes to the woman.

That's because --

A title II or title III place must provide help to a person whose disability makes it hard to communicate. (Auxiliary aids and services). Different kinds of help are needed for different kinds of situations.

BUT...a title II or a title III place won't have to give help--

- if they can show that the help would make a very big change in the kinds of goods and services they provide (Fundamental alteration); OR,

- if they can show that it would be very hard or way too expensive to provide the help (undue burden); but they still have to do an alternative.

Making Places Easy to Get Into and Use

If a title II or title III place decides to build a new building or fix up an old building, the ADA has rules on how to build it (New construction and alterations).

Examples:

Suppose the county you live in decides to build a new public library. The county has to follow ADA rules about how to build the library so that people with disabilities can get in and use the new library.

A hotel chain is going to build a new hotel. The chain has to follow ADA rules about how to build the new hotel so people with disabilities can get in and use it.

That's because --

The ADA standards show how wide to make doorways, how restrooms must be built with wider stalls, grab bars, etc. so that new buildings are easy for people with disabilities to use (readily accessible to and usable by individuals with disabilities).

Examples:

A city recreation center decides to make the locker rooms and bathrooms bigger by tearing out some walls. The center has to follow ADA standards for making changes in the building.

A bowling alley decides to fix up the lobby and to add four new bowling lanes. The bowling alley has to follow the ADA standards for making changes in the building.

That's because --

When old buildings are fixed up, the fixed-up areas and the entrance to the fixed-up areas have to follow the ADA standards about how wide to make doorways, etc.

Title II and Title III Rules That Are Different - Highlights

Who Has Rights...Under Title II

Title II gives you rights only --

- 1) IF you fit the ADA definition of a person with a disability;
AND,
- 2) you are "qualified" to receive the program or service that is being offered by the title II organization (you meet the essential eligibility requirements)

In title II, such a person is referred to as a "qualified individual with a disability."

Example:

You are a person with a disability. You live in "Town A." You want to use the city swimming pool in "Town B." The pool manager says you can't use the pool because it is only for people who live Town B, and you don't live there. You are not "qualified" to use the pool in Town B because you don't live there.

Who Has Rights...Under Title III

Title III gives you rights as long as you fit the ADA definition of a person with a disability. (See page 45, Definition of Disability.)

Making Places Easy to Get Into and Use...Under Title II

Both title II and title III places must see that people with disabilities can get into and get to the areas where goods and services are. But the way this is done is different in title II than in title III.

Example:

Suppose there is a girl with mental retardation who also uses a wheelchair. She needs to be able to go to school, but the school in her neighborhood has steps to get inside. She can't get in. But there are four other schools in her town. Three of them don't have steps, and one of them is not very far from the girl's home. She can go to that school instead of the one right in

her neighborhood. As long as the girl can go to a school which is not too far away or too hard to get to, the school district may not have to make all five of the schools easy to get into.

That's because --

State and local governments must be sure that people with disabilities can get in and use the places where programs and services take place. But the title II organization doesn't have to make every single building accessible, easy to get into for people with disabilities, like adding ramps, widening doors, etc. If people with different disabilities can't get into a building, the title II organization can find another way to help people with disabilities get to participate. One way is just to move the program to a different building that is easy to enter and use. This is called "program access." That means being sure that a person with a disability can get in and use the program or service that is offered.

Also, if helping you to use/have access to a program would --

- a) cost the title II organization too much money or be too hard to do;
- OR,
- b) make a big change in the activity so it's not the same activity anymore,

then the title II organization does not have to do those things. But it does have to try to find another way to help you.

Making Places Easy to Get Into and Use...Under Title III

Examples:

A business owns 25 different hotels. The lobbies all have steps in them. The steps are a barrier to people who use wheelchairs. A barrier is something that stops a person from getting in or moving around. The business puts ramps into all lobbies where there are steps. The business does this in all 25 hotels. This helps a person who uses a wheelchair or walker. It may also help other individuals with different disabilities.

A restaurant chain has hundreds of restaurants all over the country. All of the restaurants put up pictures, symbols, of a woman and a man,

along with the words, on their restroom doors. This makes it easy to pick the right restroom to use. Remember, this is not an ADA requirement, but is a good idea.

That's because -- The title III organization (public accommodation) has to remove barriers in every building open to the public. But, they only have to remove barriers that are easy to remove and don't cost too much money to remove. If a barrier is too hard to remove, the title III organization needs to see if there is some other way to help people with disabilities shop, do activities, etc.

Employment...Under Title II

Title II says that state or local governments can't discriminate against people with disabilities in employment.

- A title II organization may not discriminate against you when you apply for a job or while you have the job.
- The state or local government can't ask you about your disability when you apply for a job. They can ask you if you can do the job tasks (essential functions). You can ask for help (reasonable accommodations) in doing the job tasks.
- The state or local government may have to make some changes or give you extra help (reasonable accommodations) so it's easier for you to apply for the job, learn the job or keep the job.

Examples:

Like letting you bring a friend or relative to help you apply for the job, or like giving you more time to learn your new job.

Employment...Under Title III

Title III does not deal with employment at all. BUT...many stores, restaurants, and other public accommodations do have to follow the ADA employment rules. Those rules are in title I. This training program does not provide substantial coverage of title I. Consult Appendix B - Resources for information on how to obtain a copy of the title I regulations and other information on the employment rules.

OTHER DISABILITY LAWS

For further information on other disability laws like those that follow, consult your state's Protection and Advocacy agency listed in Appendix B - Resources.

Air Carrier Access Act of 1986

The Air Carrier Access Act prohibits discrimination on the basis of disability on the accommodations, facilities, and services provided by the airline companies. In 1986 Congress passed this Act, requiring the Department of Transportation (DOT) to develop the regulations which ensure that persons with disabilities will be treated without discrimination when accessing the nation's air travel system. These regulations were published in 1990.

The Air Carrier Access Act regulates aircraft and airports (including facilities, services, transportation owned or operated by air carriers or airline companies).

The Fair Housing Amendments Act of 1988

The Fair Housing Amendments Act is a federal law passed by Congress in 1988 granting people with disabilities the protection of the federal fair housing law. This amendment prohibits discrimination based on disability in the sale, rental or financing of housing. The regulations, prepared by the Department of Housing and Urban Development, were published in 1989.

Individuals with Disabilities Education Act (IDEA)

The Public Law 94-142, IDEA, is a federal law passed in 1975 and reauthorized in 1990. It mandates that all children receive a free, appropriate public education including special education and related services for children and youths with disabilities. Final regulations, prepared by the Department of Education, were published in 1992.

P.L. 94-142 regulates school systems in how they design and implement their special education and related services programs.

Rehabilitation Act of 1973

The Rehabilitation Act of 1973 is a federal law that was last amended in 1992. Its purpose is to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society. This Act is divided in eight titles, each having numerous sections. Only three sections in title V regarding rights and advocacy of individuals with disabilities are mentioned here.

Section 501 prohibits discrimination in federal employment practices, hiring, placement, and advancement opportunities for individuals with disabilities.

Section 503 prohibits discrimination in employment of qualified individuals with disabilities by contractors under federal contracts.

Section 504 prohibits discrimination of qualified individuals with disabilities in programs or activities receiving Federal financial assistance.

APPENDIX B

RESOURCES

ADA TECHNICAL ASSISTANCE

Disability Rights Section

Civil Rights Division
U. S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738

Disability Rights Section

ADA Information Line

1-800-514-0301 (Voice)
1-800-514-0383 (TDD)
202/514-6193 (Electronic Bulletin Board)
<http://www.usdoj.gov/crt/ada/adahom1.htm>
(World Wide Web)

The U.S. Department of Justice's Disability Rights Section provides free ADA technical assistance and numerous publications via telephone, mail, through its web site or by fax-on-demand. Fax-on-demand is available 24-hours per day via the ADA Information Line. Publications include:

The ADA Title II Technical Assistance Manual
The ADA Title III Technical Assistance Manual
Americans with Disabilities Act Handbook -
Published by the DOJ and Equal
Employment Opportunity Commission
(EEOC).

A small business guide
Technical assistance publications
Facts sheets for the general public
Information on disability rights laws
Many other materials

Regional Technical Assistance Centers

Ten regional centers--Disability and Business Technical Assistance Centers (RDBTACs)--funded by the National Institute on Disability and Rehabilitation Research (NIDRR) provide ADA technical assistance including information, training and materials. Most of the RDBTACs can provide you with copies of the various government publications listed below. Some publications have a cost.

To be connected directly to the regional center serving your state, call:

1-800-949-4232 Voice and TDD

Job Accommodation Network

For technical assistance on job accommodations contact.

1-800-ADA-WORK Voice & TDD

ABLEDATA

Electronic database of 15,000 listings of adaptive devices for all disabilities. Funded by National Institute on Disability and Rehabilitation Research.

1-800-227-0216

OTHER FEDERAL AGENCIES RESPONSIBLE FOR ADA REGULATION AND ENFORCEMENT

Equal Employment Opportunity Commission (EEOC)

1801 L Street NW
Washington, D.C. 20507
1-800-669-EEOC (for ordering documents)
1-800-800-3302 TDD (for ordering documents)
1-800-669-4000 (for questions)
1-800-669-6820 TDD (for questions)

Contact the EEOC for ADA and employment information including The ADA Technical Assistance Manual (Title I). The first copy is free.

Access Board

1331 F Street, NW, Suite 1000
Washington, D.C. 20004-1111
1-800-872-2253 Voice
1-800-993-2822 TDD
202/272-5448 (Electronic Bulletin Board)

Contact the Access Board for the ADA Accessibility Guidelines.

Department of Transportation (DOT)

400 Seventh St. SW, Room 10424
Washington, D.C. 20590
1-800-949-4232 (Voice and TDD)
TDD: Use relay service
202/366-3764 (Electronic Bulletin Board)
202/366-2285 Voice, 202/366-0153 TDD
(complaints and enforcement)

Contact the DOT for information on the transportation provisions.

Federal Communications Commission (FCC)

1919 M Street NW
Washington, D.C. 20554
202/857-3800 Voice, 202/293-8810 TDD (for ordering documents)
1-888-225-5322 Voice & TDD (for questions)

Contact the FCC for regulations and related information on Title IV.

Internal Revenue Service (IRS)

Office of the Chief Counsel
P.O. Box 7604, Benjamin Franklin Station
Washington, D.C. 20044
1-800-829-1040 Voice
1-800-829-4059 TDD

Contact the IRS for information on federal disability-related tax credits and deductions for business.

ADA TECHNICAL ASSISTANCE MATERIALS

Selected Documents from projects funded by the U.S. Department of Justice in Fiscal Years 1991 and 1992

The ADA Title III - A Guide for Making Your Business Accessible to People with Mental Retardation (16 page guide)

The Arc National Headquarters

1-800-433-5255 Voice

TDD users call: 1-800-855-1155 and ask operator to call collect 817/277-0553

Open for Business (video)

Explanation of the Contents of the ADA (manual)

Disability Rights Education and Defense Fund (DREDF)

1-800-466-4232 Voice and TDD

The ADA Title III: Public Accommodations and Commercial Facilities (video)

ADA Compliance Guidebook - A Checklist for Your Building (book)

Building Owners and Managers Association Int'l. (BOMA)

1-800-426-6292 Voice & TDD 310/843-0159 Fax

ADA MATERIALS for/about PEOPLE WITH MENTAL RETARDATION

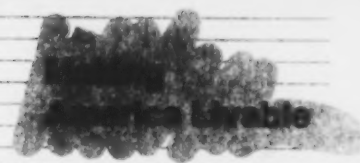
My Rights - Booklet in easy-to-read language to help individuals with cognitive disabilities understand their rights under the ADA. By ADA Committee and Michigan Protection & Advocacy Service. Contact: Michigan Protection & Advocacy Service, 106 W. Allegan, S-210, Lansing, MI 48933-1706, 517/487-1755

Project Act - ADA Cognitive Curriculum Training - A process for learning and implementing the requirements of the ADA for individuals with cognitive disabilities. By Endependence Center, Inc. \$175 for curriculum with slides. Contact: Endependence Center, Janaf Office Building, S-610, Norfolk, VA 23502, 804/461-8007 Voice, 804/461-7527 TDD

The ADA and Working - Booklet in easy-to-read language to explain basics of Title I (employment) and what to do if discrimination occurs. 12 pages. 1993. By The Arc and Great Lakes Disability and Business Technical Assistance Center. Contact for prices: The Arc - Publications, P.O. Box 1047, Arlington, TX 76004, 817/261-6003 Voice, 817/277-0553 TDD

The ADA at Work - Video designed to help employers understand key areas of Title I (employment) as it pertains to hiring employees with mental retardation. 13:56 min. 1991. By The Arc. Contact: The Arc, as above.

The Road to Opportunity - Booklet for employers on Title I (employment) and accommodations



they can use with people who have mental retardation. By The Arc and Great Lakes Disability and Business Technical Assistance Center. Contact for prices: The Arc, as above.

ACCESSIBLE MEETINGS

A Guide to Planning Accessible Meetings. Manual produced by ILRU (Independent Living Research Utilization) Research & Training Center on Independent Living. 168 pages. 1993. Contact: ILRU Program, 2323 S. Shepherd, Suite 1000, Houston, TX 77019, 713/520-0232 Voice, 713/520-5136 TDD

DISCRIMINATION IN HOUSING

While the ADA does not pertain to fair housing, there are several other federal laws that do protect the rights of people with mental or physical disabilities with regard to housing. For information about your housing rights, contact:

U.S. Department of Housing and Urban Development (HUD)
1-800-669-9777 (complaints) 1-800-927-9275 (TDD)

HUD Fair Housing Accessibility Hotline
1-800-708-2333 Voice, 1-800-708-4112 (TDD)

National Fair Housing Alliance 202/898-1661, 202/898-1670 (TDD)

State protection & advocacy (P&A) systems
See list below or call 202/408-9514, 202/408-9521 (TDD)

Local legal services office
To locate local office call: 202/452-0620

Bazelon Center for Mental Health Law
202/467-5730, 202/467-4232 (TDD)

Disability Rights Education and Defense Fund (DREDF)
510/644-2555 1-800-466-4232

PROTECTION & ADVOCACY (P&A) AGENCIES

ALABAMA

Alabama Disabilities Advocacy Program
The University of Alabama
P.O. Box 870395
Tuscaloosa, AL 35487-0395
205-348-4928
205-348-1675 TDD
800-826-1675

ALASKA

Disability Law Center of Alaska
615 E. 82nd Avenue, Suite 101
Anchorage, AK 99518
907-344-1002 Voice & TDD
800-478-1234

AMERICAN SAMOA

Client Assistance Program and Protection & Advocacy
P.O. Box 3937
Pago Pago, American Samoa 96799
684-633-2441

ARIZONA

Arizona Center for Disability Law
3208 East Fort Lowell, Suite 106
Tucson, AZ 85716
602-327-9547 Voice & TDD

ARKANSAS

Advocacy Services, Inc.
Evergreen Place, Suite 201
1100 North University
Little Rock, AR 72207
501-296-1775 Voice & TDD
800-482-1174

CALIFORNIA

California Protection & Advocacy, Inc.
100 Howe Avenue, Suite 185N
Sacramento, CA 95825
916-488-9950
800-766-5746

COLORADO

The Legal Center
455 Sherman Street, Suite 130
Denver, CO 80203
303-722-0300 Voice & TDD

CONNECTICUT

Office of P&A for Handicapped &
Developmentally Disabled Persons
60 Weston Street
Hartford, CT 06120-1551
203-297-4300
800-842-7303
203-566-2102 TDD

DELAWARE

Disabilities Law Program
913 Washington Street
Willmington, DE 19801
302-575-0660

DISTRICT OF COLUMBIA

Information Protection & Advocacy Center for
People with Disabilities
4455 Connecticut Ave, NW, Suite B100
Washington, DC 20008
202-966-8081
202-966-2500 TDD

FLORIDA

Advocacy Center for Persons with Disabilities
2671 Executive Center, Circle West
Webster Building, Suite 100
Tallahassee, FL 32301-5024
904-488-9071
800-342-0832
800-346-4127 TDD

GEORGIA

Georgia Advocacy Office, Inc.
999 Peachtree Street, NE, Suite 870
Atlanta, GA 30309
404-885-1234 Voice & TDD
800-282-4538

GUAM

The Advocacy Office
P. O. Box 8830
Tamuning, Guam 96931
671-472-8985
671-472-8986
671-472-8989 TDD

HAWAII

Protection and Advocacy Agency
1580 Makaloa Street, Suite 1060
Honolulu, HI 96814
808-949-2922 Voice & TDD

IDAHO

Co-Ad, Inc.
4477 Emerald, Suite B-100
Boise, IA 83706
208-336-5353 Voice & TDD

ILLINOIS

Equip for Equality, Inc.
11 East Adams, Suite 1200
Chicago, IL 60603-6303
312-341-0022 Voice & TDD

INDIANA

Indiana Advocacy Services
850 N. Meridian Street, Suite 2-C
Indianapolis, IN 46204
317-232-1150 Voice & TDD
800-622-4845

IOWA

Iowa Protection & Advocacy Service, Inc.
3015 Merle Hay Road, Suite 6
Des Moines, IA 50310
515-278-2502
515-278-0571 TDD

KANSAS

Kansas Advocacy & Protection Services
2601 Anderson Avenue
Manhattan, KS 66502
913-776-1541 Voice & TDD
800-432-8276

KENTUCKY

Office for Public Advocacy
Division for Protection & Advocacy
100 Fair Oaks Lane, 3rd Floor
Frankfort, KY 40601
502-564-2967
800-372-2988 TDD

LOUISIANA

Advocacy Center for the Elderly & Disabled
210 O'Keefe, Suite 700
New Orleans, LA 70112
504-522-2337 Voice & TDD
800-662-7705

MAINE

Maine Advocacy Services
32 Winthrop
P.O. Box 2007
Augusta, ME 04338
207-626-2774
800-452-1948 TDD

MARYLAND

Maryland Disability Law Center
1800 N. Charles Street
Baltimore, MD 21201
410-234-2791
410-234-2794

Maryland Disability Law Center
2510 St. Paul Street
Baltimore, MD 21218
800-233-7201
410-235-4227 TDD
410-235-4700

MASSACHUSETTS

Disability Law Center, Inc.
11 Beacon Street, Suite 925
Boston, MA 02108
617-723-8455 Voice & TDD

MICHIGAN

Michigan Protection & Advocacy Service
106 West Allegan, Suite 210
Lansing, MI 48933
517-487-1755 Voice & TDD

MINNESOTA

Minnesota Disability Law Center
430 First Avenue North, Suite 300
Minneapolis, MN 55401-1780
612-332-1441
612-332-4668

MISSISSIPPI

Mississippi Protection & Advocacy System for
DD, Inc.
5330 Executive Place, Suite A
Jackson, MS 39206
601-981-8207 Voice & TDD

MISSOURI

Missouri Protection & Adv. Service
925 Country Club Drive, Unit B-1
Jefferson City, MO 64109
314-893-3333 Voice & TDD

MONTANA

Montana Advocacy Program
316 N. Park, Room 211
P.O. Box 1680
Helena, MT 59624
406-444-3889 Voice & TDD
800-245-4743

NEBRASKA

Nebraska Advocacy Services, Inc.
522 Lincoln Center Building
215 Centennial Mall South
Lincoln, NE 68508
402-474-3183 Voice & TDD

NEVADA

Nevada Disability Advocacy & Law
Financial Plaza
1135 Terminal Way, Suite 105
Reno, NV 89502
702-688-1233
800-992-5715
702-622-0243 TDD

NEW HAMPSHIRE

Disabilities Rights Center
P.O. Box 3660
18 Low Avenue
Concord, NH 03302-3660
603-228-0432 Voice & TDD

NEW JERSEY

New Jersey P & A, Inc.
210 S. Broad Street, 3rd Floor
Trenton, NJ 08608
609-292-9742 Voice & TDD
800-792-8600

NEW MEXICO

Protection & Advocacy System, Inc.
1720 Louisiana Blvd., NE, Suite 204
Albuquerque, NM 87110
505-256-3100 Voice & TDD
800-432-4682

NEW YORK

NY Commission on Quality of Care for the
Mentally Disabled
99 Washington Avenue, Suite 1002
Albany, NY 12210
518-473-7378
518-473-4057
800-624-4143 TDD

NORTH CAROLINA

Governor's Advocacy Council for Persons with Disabilities
2113 Cameron St., Suite 218
Raleigh, NC 27605
919-733-9250 Voice & TDD
800-821-6922

NORTH DAKOTA

The North Dakota Protection & Advocacy Project
400 E. Broadway, Suite 515
Bismarck, ND 58501
701-224-2972
800-472-2670
800-366-6888 TDD

OHIO

Ohio Legal Rights Service
8 East Long Street, 6th Floor
Columbus, OH 43215
614-466-7264 Voice & TDD
800-282-9181

OKLAHOMA

Oklahoma Disability Law Center, Inc.
4150 South 100th E. Ave., 210 Cherokee Bldg
Tulsa, OK 74146-3661
918-664-5883 Voice & TDD

OREGON

Oregon Advocacy Center
Board of Trade Building
620 S.W. Fiften Ave., 5th Floor
Portland, OR 97204-1428
503-243-2081
800 452-1692
800-556-5351 TDD

PENNSYLVANIA

Pennsylvania Protection & Advocacy, Inc.
116 Pine Street
Harrisburg, PA 17101
717-236-8110 Voice & TDD
800-692-7443

PUERTO RICO

Ombudsman for the Disabled
P.O. Box 4234
San Juan, PR 00902-4234
809-721-4299
800-981-4125
809-705-4014

RHODE ISLAND

Rhode Island Protection & Advocacy System (RIPAS), Inc.
151 Broadway, 3rd Floor
Providence, RI 02903
401-831-3150
401-831-5335

SOUTH CAROLINA

SC Protection & Advocacy System for the Handicapped, Inc.
3710 Landmark Drive, Suite 208
Columbia, SC 29204
803-782-0639 Voice & TDD
800-922-5225

SOUTH DAKOTA

South Dakota Advocacy Services
221 South Central Avenue
Pierre, SD 57501
605-224-8294 Voice & TDD
800-658-4782

TENNESSEE

Tennessee Protection & Advocacy, Inc.
P.O. Box 121257
Nashville, TN 37212
615-298-1080 Voice & TDD
800-342-1660

TEXAS

Advocacy, Inc.
7800 Shoal Creek Blvd., Suite 171-E
Austin, TX 78757
512-454-4816 Voice & TDD
800-252-9108

UTAH

Legal Center for People with Disabilities
455 East 400 South, Suite 201
Salt Lake City, UT 84111
801-363-1347 Voice & TDD
800-662-9080

VERMONT

Vermont Protection & Advocacy
21 E. State St., Suite 101
Montpellier, VT 05602
802-229-1355

Vermont DD Law Project
12 North Street
Burlington, VT 05401
802-863-2881

VIRGINIA

Department of Rights of Virginians with
Disabilities

James Monroe Building
101 North 14th Street, 17th Floor
Richmond, VA 23219
804-225-2042
800-552-3962
(TDD & Voice)

VIRGIN ISLANDS

Virgin Islands Advocacy Agency
7A Whim Street, Suite 2
Frederiksted, VI 00840
809-772-1200
809-776-4303 St. Thomas
809-772-4641 TDD

WASHINGTON

Washington Protection & Advocacy System
1401 E. Jefferson, Suite 506
Seattle, WA 98122
206-324-1521 Voice & TDD

WEST VIRGINIA

West Virginia Advocates, Inc.
Litton Bldg, 4th Floor
1207 Quarrier Street
Charleston, WV 25301
304-346-0847 Voice & TDD
800-950-5250

WISCONSIN

Wisconsin Coalition for Advocacy, Inc.
16 North Carroll Street, Suite 400
Madison, WI 53703
608-267-0214
608-267-0368 TDD

WYOMING

Wyoming Protection & Advocacy System
2424 Pioneer Avenue, #101
Cheyenne, WY 82001
307-638-7668
800-624-7648 TDD
800-634-3091

ADDITIONAL TRAINING ACTIVITIES

USING THE "ADA HELP" CHECKLIST

ROLE-PLAYS: OPTION 1

Two additional true stories that happened to different self-advocates give only the opening picture and brief description of what's happening. Ask the trainees to complete the stories by thinking of what they would do, who they would call on for help. These stories are:

Jonelle's Story - Overhead # 37
Tony's Story - Overhead # 38

NOTE: If you are training individuals who live in an institution and have had minimal opportunities to shop or do activities in the community, Tony's Story may be one to which the trainees readily relate since it involves a young man who lives in a developmental center.

Jonelle's Story:

Jonelle is a young woman who has Down syndrome. She lives in a group home. Jonelle saw a notice on TV that the local blood bank needed more people to donate blood. Jonelle decided to donate. When she went to the blood bank to donate, the blood bank staff person refused to even interview her and simply said, "I'm sorry, we don't allow people with disabilities to donate blood."

- Did the blood bank interview Jonelle to find out her medical history?
- Did the blood bank take a sample of Jonelle's blood?
- What was the reason the blood bank would not let Jonelle donate blood?
- Is Jonelle being discriminated against because of her disability? Why/why not?

If you were Jonelle, what would you do next?

Tony's Story:

Tony lives in a developmental center. He just got a part-time job and is planning to take the city bus to get to work. The bus driver sees him standing in front of the developmental center. The driver thinks Tony shouldn't be traveling alone. The driver thinks Tony should be on a special bus just for people with disabilities. Here we see the bus going past. The driver won't pick up Tony.

- Why didn't the driver pick up Tony?
- Did the driver stop and talk to Tony?
- Do you think the driver does this to passengers at bus stops in other parts of the city?
- Is this discrimination based on Tony's disability? Why or why not?

What could Tony do to solve this problem?

ROLE PLAYS: OPTION 2

Trainees' Stories:

Find a trainee who is willing to be in a role play of his or her own discrimination story. First, work the "ADA Help" Checklist on that story. Once the trainee has answered the questions, set up the role play.

Do the role play two times. First have one of the co-trainers act the part of the person with a disability and ask the trainee to take the part of the covered entity. This way, you will be able to model the assertive communication method. When you've completed first role play, lead a discussion of what happened.

Then switch parts and repeat the role play; encourage the trainee to use the assertive communication method. Again, debrief with the group when the role play is over.

ROLE PLAYS: OPTION 3

Stories from Activity 5-1: What's Going on Here?

You can engage groups of trainees in role plays about the stories presented in the training program. To do this, ask for volunteers to play the parts of the different characters in the story. Work through the questions on the "ADA Help" Checklist.

An alternate way to divide the parts is to have several trainees be one character. This is a good method to help trainees who are hesitant to take part on their own. Group trainees so that talkative individuals and more reserved individuals are mixed. In discussing with each group what the character will do, be sure to ask each trainee for his or her opinion so you will involve everyone.

In preparation, show the first overhead for the story and read the story out loud. Then ask them the questions from the "ADA Help" Checklist. Guide the trainees in a discussion of how they would react if they were really experiencing the situation in the story.

GROUP DISCUSSION

The following is another true story that happened to a self-advocate. It involves a visit to the doctor, a title III entity.

Read the story. Then guide a discussion based on the "ADA Help" Checklist.

Gina's Story:

Gina is a woman who has Down syndrome. She is 28 and lives with her parents. Gina had an appointment to see her doctor. We'll call him Dr. Perez. Dr. Perez has a private office in a large medical clinic.

After Gina was examined, Dr. Perez asked to talk to her parents. This bothered Gina a lot because she is an adult. She doesn't think Dr. Perez treats other adult patients this way. She feels the doctor is treating her like a child just because she has a disability. She asked the doctor to talk to her not to her parents. But, the doctor didn't listen to her and goes ahead to talk to her parents.

Encourage trainees to respond to the questions. Sample answers are given below each question.

Let's work our "ADA Help" Checklist together. Let me hear your answers to these questions:

1. What kind of place is this? Who owns or operates it?
It's a doctor's office. The doctor operates it. It's a title III place.
2. What happened?
After examining her, Dr. Perez said he wanted to talk to Gina's parents about her health rather than to her. When she asked him to speak directly to her, he refused.
3. Is Gina being treated unfairly because of her disability or for some other reason?
Gina is an adult. She has a disability. It appears like Dr. Perez is treating her like a child just because she has Down syndrome.
4. When this happened, did Gina tell anyone?
Gina spoke to the doctor and asked him to talk to her. We don't know if Gina talked to anyone about what happened at the doctor's office.

If you were Gina and this had happened to you, what advisor, family member, friend would you talk to about what the doctor did?

Encourage trainees to look at their copies of *My Personal Network* and choose the person to whom they would talk to about what had happened.

Ask trainees to practice telling exactly what happened.

Tell me in your own words exactly what happened at Dr. Perez's office.

Gina could write down what happened so she can be sure she can remember, or she could ask her advisor, family member, or friend to help her write it down.

5. Where could Gina call to find out if this is an ADA problem and what to do next?

Encourage trainees to look at their copies of *The Phone List* (on reverse of *My Personal Network*) to pick out a place to call. Two good places to call are either the DBTAC or the Department of Justice ADA hotline. Or they could call the Protection & Advocacy Agency (refer trainees to that listing at the bottom of *My Personal Network*).

What could Gina say when she makes the call?

She could tell the ADA information service what happened with Dr. Perez and the date it happened. Then ask for information about what the ADA title III rules say about a situation like this. She could ask the information service to send her a copy of the parts of the regulation that apply to this situation. She could also ask for suggestions on how to approach Dr. Perez to help him understand what he should do according to the ADA title III.

After getting a copy of those parts of the title III regulations, Gina could call Dr. Perez and tell him she doesn't feel it is right that he chose to speak to her parents instead of her. Gina could tell him she is an adult and ask that he give her the same service as any other adult patient. She could tell him she knows the ADA title III gives her the right to be treated like any other adult patient. She could offer to send Dr. Perez a copy of the information she received from the Department of Justice ADA hotline.

6. What could Gina do if nothing changes after she talks to the doctor?

She could ask Dr. Perez if he intends to speak directly to her in the future. If, at her next appointment, he continues to speak only to her

parents, she may need to call the Department of Justice again to ask for information on filing a complaint. She may also want to ask her friend, advisor or family member to help her find out if there is a dispute mediation service in her town that could help her fix the problem by meeting with her and Dr. Perez. Even if she uses a dispute mediation service, she may want to go ahead and file a complaint with the Department of Justice and send a copy of the complaint to Dr. Perez so the doctor understands she is serious about seeing that she is treated like any other adult patient.

Remember when we began this story about her and Dr. Perez? We told you this was a real-life situation. Here's how the real situation turned out.

When Dr. Perez finished the exam and asked to speak with Gina's parents, this bothered her. She looked at the doctor and said, "I would like you to talk to me and not to my parents. I want to know about my exam." Dr. Perez agreed. He talked with Gina instead of her parents. Now, Gina makes all her own medical appointments and takes responsibility for her health.

Gina handled the situation right when it was happening. She explained to Dr. Perez that she wanted him to speak with her and not her parents. The doctor agreed with her request, and the problem was solved.

This is a good example of how you could explain what you need when you are in a situation that may be discriminatory. If you feel you are being treated unfairly because of your disability, you can learn to ask for what you need.

Sometimes fixing an ADA problem can be easy. Sometimes all it takes is speaking up for yourself.

PRACTICING THE ART OF COMMUNICATING

You can build on the material in Activity 6-1: What We Do Makes a Difference by doing additional role plays involving **Suzanne's Story**. In the training program you demonstrated the difference between an aggressive response by Suzanne and an assertive, appropriate response. If you have some trainees who are more apt to be passive if faced with a discriminatory situation, you may want to also demonstrate the difference between a passive, ineffective response and an assertive response.

Do this by setting up two additional role plays around **Suzanne's Story** -- one, a passive response, the other, an assertive response. To help trainees contrast these with the aggressive response, you may want to repeat it here.

Before your meeting, prepare three flip chart sheets with the following information on them:

Passive Quiet

Not speaking up for yourself
Not saying what you need
Acting like you aren't worth anything
Letting the other person leave you out

Aggressive

Angry and pushy
Demanding what you want
Not caring about how the other person feels

Assertive

Sure of yourself
Asking for what you need, but in a nice way
Not giving up
Caring about how the other person feels

Have these sheets available to post later in the activity.

Position a table at the front of the room so when the two of you stand on either side of it you are in profile to the class. It's important the class can see your faces during the role plays. If available, use a table-top podium or something else set on the table to simulate a high counter like you might find in a recreation center. The Staff Member stands on one side of the table. The action begins when Suzanne walks up to the table to speak to the Staff Member.

Explain that you are going to go through three different role plays and that Suzanne's goal is to sign up for the tennis class. Tell the group to watch and listen carefully to what happens in each role play.

After each role play, you should ask the same set of questions and encourage all trainees to participate in the discussion. Jot answers on the flip chart using a different sheet of paper for each of the three role plays. Tape these sheets to the wall.

Remember the story about Suzanne? Suzanne has mental retardation. She wanted to sign up for a tennis class at the city park and recreation center. But the recreation center staff told her she could not take the tennis class. They would only allow her to take a special class just for people with disabilities.

We're going to use Suzanne's experience at the center to help us look again at different ways people can communicate to get their needs met. We will learn that the way we communicate can make a big difference in getting our needs met and in stopping discrimination.

You will see us do a role play--that means we will pretend to be Suzanne and the staff member as they talk. We'll do the role play twice. Watch and listen carefully.

Role Play 1

Suzanne is very passive and agreeable. She acts like a "door mat." When she comes up to the counter, she stands a little too far away. Her head is bowed a little. She doesn't look directly at the staff member, but just looks from side to side. She leans from one foot to the other--like she's not sure which way to go.

Suzanne: Can I sign up?

Staff Member: (Impatiently) For what?

Suzanne: Um...tennis.

Staff Member: You can't. People like you go to the special class on Wednesday for people who have disabilities. That's the one you need.

Suzanne doesn't question this. Suzanne looks away and continues to shift her weight. She gradually starts to back away. When she starts to speak, she hesitates.

Suzanne: ...Oh...

Suzanne walks away disappointed.

Drop roles and ask the following questions. Write answers on flip chart.

Think about how Suzanne acted and talked. Think about what happened.

What did Suzanne want?
How did Suzanne stand? Look? Move?
What did Suzanne say?
How did Suzanne sound?
How did the Staff Member respond?
Did Suzanne get what she wanted?
How did you feel watching the scene?
If you were Suzanne, would this be a good way to talk to the Staff Member? Why or why not?
Do you think you would get what you want? Why or why not?

Tell the trainees you'll now do the role play again. Note that this time you will take the action further. Be prepared to extend the role play to include Suzanne's call to the center director.

Role Play 2

Repeat the aggressive role play found on pages 50 and 51 of the training program.

Role Play 3

Repeat the assertive role play found on pages 51 and 52 of the training narrative.

Communication Styles

What we have just seen are three ways people communicate with each other.

Post the three flip chart sheets you prepared in advance. Read aloud each series of characteristics. Relate these to Suzanne's way of communicating in each role play. Explain that the three ways of communicating are called Passive, Aggressive, and Assertive. Write these headings on the flip chart sheets you used for the answers to questions after each role play.

Passive

Our first role play is what we call a Passive way of communicating. Suzanne didn't really say what she is thinking. She just accepted what the other person said and didn't try to explain her own point of view. She didn't get what she wanted.

Aggressive

Our second role play is the Aggressive way of communicating. Suzanne got very angry and pushy. The staff member reacted angrily, too. Suzanne didn't get what she wanted.

Assertive

Our third role play is the Assertive way of communicating. Suzanne explained what she wanted. She kept her "cool" while she found out how to reach the center director to help solve the problem. She never got angry or shouted. She was calm and businesslike. Suzanne was probably going to get what she wanted.

Which way do you think you might have acted if you were Suzanne?

It is important to learn to communicate the way Suzanne did in Role Play 3 -- that's assertively. Being assertive does not mean you will always get the other person to understand you or to help you. But it does give you a better chance. And it helps the other person know that you believe you are a person who should be treated fairly and with respect. Learning to be assertive takes practice, but you can learn.

THE DIFFERENCE BETWEEN "DISCRIMINATION BASED ON DISABILITY" AND "NOT BEING QUALIFIED"

This activity makes the point that there can be situations in which it may seem like discrimination based on disability is happening when, in reality, the person has not met the qualifications to have access. The stories here are variations on two in the training program, Jeff's Story and Rose's Story (pages 41-44). If necessary, review them briefly with the trainees before you begin this activity. With these new stories, read them aloud and then ask the trainees to respond to the questions.

There is something else we need to understand about discrimination based on disability. Sometimes it may seem like discrimination based on disability is happening, but actually the person with a disability does not qualify to do something. Remember the story about Jeff that we did in our training together? We've changed

his story a little bit this time. Listen carefully so you can answer some questions about Jeff's situation.

Jeff's Story Retold:

Jeff is a young man who has mental retardation. Jeff went into the bank where he used to have a checking account. He wanted to cash a check from his account. When he handed the check to the teller, she checked Jeff's account number on her computer and then said, "I'm sorry, I can't cash this check. You closed this account last month."

- Why didn't the teller cash Jeff's check?
- Did the teller do the right thing? Should she have cashed the check? Why or why not?
- Did the teller treat Jeff unfairly just because he has mental retardation? Why or why not?
- Was this discrimination? Why or why not?

The teller was right not to cash Jeff's check. There was no money in Jeff's account. He had closed his account. The teller did not treat Jeff unfairly because he has a disability. The teller treated Jeff the same way she would have treated any customer whose account had been closed. This was not discrimination.

Now listen to another story that's been changed.

Rose's Story Retold:

Rose uses a wheelchair because she had a stroke and cannot walk. One morning, Rose decided to go buy a sandwich and a cold drink from the quick-stop convenience store two blocks from her apartment. She went to the store. There was a ramp over the curb, so Rose had no problem getting into the store. She picked out her sandwich and drink. But when she got to the counter, she found out she had forgotten to bring her purse. She had no money with her. The clerk said, "I'll keep your food here at the counter. When you come back with your money, I'll give it to you."

- Why couldn't Rose buy her sandwich and drink?
- Did the clerk discriminate against Rose because of her disability?

- Was this discrimination?

The clerk did not have to give Rose the food until Rose paid for it. Rose had to have money to pay for the food before she could get it. The clerk would have done the same thing to any other customer who did not have money. The clerk is not discriminating against Rose.

That's a very important point. The clerk would have done the very same thing to any other customer who wanted to buy something but who did not have money. Rose is not being treated differently from any other customer. So that's not discrimination based on disability.

There is another variation on this example that might come up in your class discussion. Consider this: Suppose another customer without a disability is in the same situation. If the clerk allows that customer to take the food and simply "pay for it next time," then the clerk may be discriminating against Rose because the clerk is treating her differently than the other customer. In this case, we don't know if the clerk is discriminating against Rose because she has a disability or because the clerk knows the other customer is a regular, frequent customer and Rose is not.

In both of these stories, Jeff and Rose are people with disabilities who can't get something they want. But these stories are not examples of discrimination based on disability. These stories simply show that there are situations when we might not get what we want because of some reason other than a disability. For example, we don't get what we want because we have not met some requirement for getting what we want. Or we don't get what we want because no one else gets what we want.

In Jeff's case, he was not allowed to cash a check because his account was closed. There is no money left in an account when it is closed, so the teller could not cash Jeff's check for him. That was not discrimination.

In Rose's case, she did not get to buy food because she didn't have the money to pay for it. That was not discrimination.

UNDERSTANDING YOUR OWN DISABILITY

This is an activity designed to help trainees become more familiar with the kinds of help or accommodation they may need in accessing goods and services in a title II or title III place. For individuals with disabilities to benefit from the ADA, it is sometimes necessary for them to reveal that they have a disability and that, because of it, they have certain needs. This self-disclosure may be uncomfortable, but is at times necessary so a business or other ADA covered entity can comply with the ADA by meeting the person's access needs.

There is an interesting paradox about the ADA: The ADA is meant to provide people with disabilities the same opportunities as other people to participate in everyday life--jobs, shopping, services, transportation and so on. In an effort to see that people with and without disabilities are treated equally, the ADA regulations also prohibit unnecessary inquiries into the nature of a person's disability. And yet, the ADA also recognizes that each person with a disability is a unique individual, and the law must, therefore, be interpreted on a case-by-case basis. What will work to help one individual with a disability gain access may not work for another individual. So in order to customize their responses to the unique, individual access needs of each person and thereby comply with the law, ADA covered entities must at certain times know something about the person's disability.

What adds to this difficult situation is that some people, like people with mental retardation, have "hidden" disabilities. While a person using a wheelchair may have some fairly obvious access needs, a person with mental retardation may not appear to have a disability at all. This then puts the burden on the person with mental

retardation to reveal his or her access needs. To be able to do that, the person must have self-awareness concerning his or her disability.

You should try to get a feeling for "where the group is" in terms of understanding and accepting their disabilities. Some individuals may know a lot about their disability and be comfortable talking about this subject. Other individuals may not know much about their disability or may deny that they have a disability.

Every person in the world is a little different from every other person--that means unique. Even though there are many things about us that are like other people, there are also things that make us different--unique.

Have you ever thought about how you are different from other people? Just look at the person beside you.

- Maybe one of you is taller/the other shorter
- Fatter/thinner
- Wears glasses/doesn't wear glasses
- Older/younger
- Friendly and talkative/shy and quiet
- Has been to school many years/just a few years
- Reads well/can't read very well
- Has certain work skills/has different work skills or has not worked at all

There are lots of things about all of us that are special and unique. Some of the differences between us are limitations--that is, things we are not as good at or things we have a problem doing. All of us--people with disabilities and people without disabilities--have some kinds of limitations. That means things that are hard for us to do. All people need some kind of help from other people. It is important that you know what your limitations are. When you know your limitations, you can then ask for some help.

Having a disability is just one part of being human. A disability may keep some of you from doing some things as easily as someone without a disability. A disability may be no big deal to

some of you. Having a disability means that you have the right to ask for help or support. And, the ADA gives you certain rights. So it is important that you know something about your disability, so you can use the ADA to get the help you need.

To be sure that you can do activities that are covered by the ADA -- things like having a job, shopping, getting services, using public transportation -- you have to know how to ask for the help you need. To ask for help, you must know what it is you need. And to know what it is you need, you must know about your disability.

Some people with disabilities are easy to recognize--like a person who uses a wheelchair. A business can see right away that the person has some needs. But other people have "hidden" disabilities like mental retardation. A person with mental retardation may not look like he or she has a disability at all.

So for you to use the ADA to be able to do activities, it will be important for you to be able, if necessary, to say that you have a disability. You may need to ask for the kind of help you need to do activities.

Has anyone ever talked to you about having a disability? What have they said to you about your disability?

Allow any trainees who want to share to do so.

We have learned the ADA law is to help people with disabilities. It is very important that you understand what your disability is so that you can use the ADA. The ADA is meant to help each individual person who has a disability. You and I and everyone in this room are all individuals. Each one of us is an individual. We have different abilities, different interests, different past experiences.

The ADA is meant to be used to help individual people with disabilities have access to shopping and services. The ADA does not just give a list of ten things a business has to do and that solves all the access needs of all people with

disabilities. If it were that easy, we wouldn't need to have a training program about the ADA. No, it's not that easy. The business or other organization must make certain kinds of changes to help you as an individual have access.

What Help Do I Need?

You have a choice of two examples for use in this activity -- either *Going Shopping* or *Using a Health Club*. The shopping example makes use of the simple props listed below. There are no props for health club example, although you could use some if you were in a facility that had some exercise equipment in it.

Remember our story about Lateesha who was trying to buy a radio? Let's say you went into a big discount store like the one Lateesha was in. You wanted to buy some soap, a package of video cassettes, a pair of running shoes and some candy.

The store manager has to follow the ADA rules so you--as a person with a disability--can come in and shop there. The store employees might have to do things to help you. But they need to know what things about the store might be a problem for you. Here are just some of the things the store needs to know:

- can you get from the parking area or sidewalk to the entrance?
- can you enter the store?
- can you find your way around the store?
- can you understand the ad specials and the prices on the shelves?
- can you reach and take off the shelf the items you want to buy?
- can you get through the check-out line to pay?

The store needs to know how to help you.

Involve the trainees, wherever possible, in acting out the brief scenes below. For example, in *Going Shopping* place the soap on a very high shelf in the room. Then ask a trainee who may be on the short side or may be a wheelchair user to try to reach for the soap. Obviously, take

safety precautions to see that no one loses their balance or falls in attempting to do this.

Going Shopping

Props needed: Soap, a package of video cassettes, a shoe box, candy, an ad circular for a large store, a small amount of money including coins, a checkbook.

Your disability might make some things hard to do. Let's look at some examples of different things that might stop you from being able to shop in that store --

Some of these examples might be true for you. Some might not be true. But let's just pretend these are true. We'll look at each example and see what kind of help you could ask for:

- 1) Maybe you are very short because of your disability. The soap you want is on the top shelf. You can't reach it.
What help do you need?
Who can you ask?
- 2) Maybe you don't read very well because of your disability. You can't read the ad specials, so you can't tell if the running shoes you want to buy are on sale or not.
What help do you need?
Who can you ask?
- 3) Maybe it's hard for you to remember directions because of your disability. You want to go to the area where the video cassettes are. That's the electronics department. The clerk at the front told you to turn right and go over three aisles, then turn left to get to electronics. But you can't remember exactly which way to turn.
What help do you need?
Who can you ask?
- 4) Maybe counting money is hard to do because of your disability. On the way to the checkout line, you see the candy you want. You're not sure if you have enough money for everything. The cashier asks you for 28 dollars and 43 cents. You aren't sure how to count the money you owe.
What help do you need?

Who can you ask?

- 5) Maybe you aren't able to get a driver's license because of your disability. You decide you are going to pay by check. The clerk asks for your driver's license as ID. What help do you need? Who can you ask?

These are all ADA situations because it's your disability that makes it hard for you to use the store. The ADA gives rules that may mean the store has to help you in different ways. But the store needs to know what kind of help you need because you are an individual. What you need will be different than what another person with another disability might need.

Using a Health Club

Let's try another example. This time you want to work out at a health club.

- 1) Maybe you don't read very well because of your disability. You want to use the computerized machines, but you can't read the instructions. You're not sure how the machines work. What help do you need? Who can you ask?
- 2) Maybe you have difficulty remembering numbers because of your disability. You want to use the weight machines. There are pins you have to set that add weight and make the exercise harder or easier to do. There are numbers on the weights, but you don't know what they mean or which ones you should use. What help do you need? Who can you ask?
- 3) Maybe remembering and following directions is hard for you because of your disability. You want to try out the exercise class, but the instructor talks and moves so fast you can't follow the steps. What help do you need? Who can you ask?
- 4) Maybe your balance is a little unsteady because of your disability. You want to use

the stair step machine, but you're not sure how to do it.

What help do you need?
Who can you ask?

- 5) Maybe understanding money is hard to do because of your disability. When you finish your workout, a staff member starts talking to you about joining the club. There are lots of different numbers being mentioned. You don't understand the different choices that are being offered or how much they all cost. What help do you need? Who can you ask?

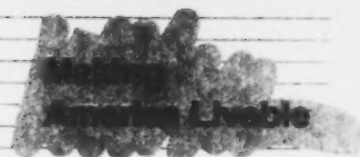
These are all ADA situations, because it's your disability that makes it hard for you to use the health club. The ADA gives rules that may mean the club has to help you in different ways. But the club needs to know what kind of help you need because you have individual needs. What you need will be different than what another person with another disability might need.

Knowing and Explaining Your Needs

We've just looked at things that might help us shop or use a health club. These are just two of the many kinds of places that have to follow ADA rules so people with disabilities can come in and shop or do activities.

When you want to shop or use a health club or a bank, go to a training class, or do some other activity, the business may not know what kind of assistance you need. It will be very hard, for example, for a store owner to follow the ADA rules so you can have access if the store doesn't even know what things could stop you from being able to shop there. So, sometimes you'll have to talk to an employee in the store about your needs.

At times you may not be exactly sure what you need, so you might talk with someone in your *My Personal Network* (see training narrative, page 16). That person may be able to help you figure out what you need and help you explain to the business what your needs are.



Are you protected by the ADA? --- Right, the answer is yes. As a person with mental retardation, you have rights under the ADA. How do you know you are protected? You are protected because you --

- have a mental or a physical disability; and,
- have a hard time with learning, and learning is one of the major life activities in the ADA definition of disability.

You are protected by the ADA because you have mental retardation.

If you are conducting training with individuals who do not have mental retardation but have some other type of disability, you will need to alter the wording to reflect the other disability. Remember, the key to determining if a person with a disability is protected by the ADA is to refer to the three ways a person with a disability can have rights under the ADA as described in Activity 2-1: Who's Covered (page 16 in the training narrative).

Make a point of learning about your disability. Know the things that are easy to do and know the things that are a little more difficult for you to do. This way you will know what kind of help you may need so you can ask for it.

Here's a very important question. Once you know what you need to be able to shop or do activities, do you think the ADA rules make the business give you exactly what you want? --- The answer is no.

The ADA rules do not mean you can have all the help you think you need or exactly what you ask for. There are some limits on what and how much stores, services, employers and others have to do for you as a person with a disability. But that is something you will be able to find out by talking with the business and by talking with an ADA information service.

Refer trainees to their copies of *The Phone List* (see page 11 in the training narrative).

The ADA won't take care of all the difficulties you may have because of your disability. And, the ADA only gives rules about certain kinds of places. For example, the ADA gives rules about stores, services, getting or being in a job, public transportation...BUT the ADA does not give rules about choosing a house or about who you can date or whether you can marry.

BUT...the ADA does give you rights. The ADA is meant to stop discrimination based on disability.

The best way to prepare yourself so you can get help through the ADA rules is to --

- know that you have a disability,
- know what your disability is,
- know what kind of help you may need.

SITE WALKING

You can organize a small group of individuals to visit a local title III establishment to look at it in terms of the ease with which they, as individuals with a cognitive disability, can use the facility.

Consider inviting members of a local independent living center to join your group for this activity. This will enable the trainees in both groups to see the different perspectives on ease of access -- accessibility for people with cognitive, physical or sensory disabilities.

Contact The Arc to obtain a copy of the business guide for title III entities, *The ADA Title III - A Guide for Making Your Business Accessible to People with Mental Retardation*. This publication contains an Access Strategies Chart you can use as a resource for this activity. Contact your DBTAC for information on barrier removal checklists (see Appendix B - Resources).

APPENDIX D

TIPS FOR TRAINERS

Facility and Room Set-up

- Be sure the facility to be used for the training is accessible to individuals with disabilities. See checklist at end of this appendix; also see "Accessible Meetings" in Appendix B - Resources
- Set up room to encourage interaction. Position trainees' chairs around a large table or a group of tables positioned in a square. This will enable trainees to spread out materials and to write when necessary. It will also encourage eye contact between all participants, co-trainers and trainees alike.
- Provide table tent name signs for each trainee on which the person's name can be printed in large letters. Make signs for the co-trainers as well as the trainees.
- Encourage a friendly, relaxed atmosphere. Learn and use trainees' first names.
- Minimize distractions. Position chairs and table(s) so the entrance to the room is behind the trainees. Position yourself with your back to a wall that is windowless. If there are windows in the room, angle blinds or draw drapes.

Equipment and Supplies

- Check out the overhead projector to be sure it's in working order and you know how to operate it. Be sure an extra bulb is on hand.
- Position overhead projector to project images on the wall or on a screen beside you so the trainees can see both you and the images clearly.
- Make sure the light beam hits the screen straight on, not at an angle. This will ensure that the images are clear and not distorted.
- Know where the light switches are in case you need to dim lights near the projection screen.

- Make sure a flip chart with paper, markers and tape are available. Use dark colored markers that show up well. Write in large print (2" high). Use both upper and lower case, as all capitals are hard to read.
- Have your co-trainer or a volunteer from among the trainees do the writing on the flip chart so you can continue to face the group.
- If you enlist a helper to write on the flip chart, jot down on a piece of paper (or in pencil on the margin of the chart) the words you want written. This will eliminate the time lag that comes when the writer forgets something or has difficulty with spelling.
- Don't stand in front of the flip chart. Be sure the trainees can see it clearly.
- If you plan to write on flip charts after you've taped them to the wall, check to be sure the ink doesn't bleed through the paper and stain the wall.
- Find out which trainees may need materials in alternate formats (Braille, large print, audiotape) and be sure to have an adequate quantity available. Contact The Arc - Publications well in advance of the training date.

Scheduling

- Provide at least 15 minutes at the beginning of the training period for a social time.
- Build in adequate breaks and, if possible, make refreshments or a light meal available.
- Try to anticipate problems which can impact the schedule, such as transportation (e.g., trainees arriving late or having to leave early).
- Plan on everything taking 20% longer than you expected. In spite of your best efforts to plan, you'll often find an activity taking longer or a discussion becoming more involved.

- Be flexible if you sense there are valuable learning opportunities in extending an activity or discussion.

Presentation Tips

- Be prepared. Remember the 5 P's - Proper Preparation Prevents Poor Performance.

- Don't try to cover too much.

- Involve trainees as much as possible. Encourage all trainees to share.

Old Chinese Proverb:

I hear and I forget
I see and I remember
I do and I understand

Trainees learn best when they themselves say and do the things you want them to learn. This is why it is so important to get them talking and sharing in all the training activities and to take opportunities to use trainees as volunteers to assist you. It's important you respond in a positive, affirming way when trainees share. Even if a trainee gives a wrong answer, thank the person for sharing. Always be sure to provide the correct information, but do it in a way that still affirms the trainee for having been willing to share. This is a skill that takes practice.

- State the training program's goals and learning objectives and explain why these are important and personally relevant to trainees.
- Use clear, simple, concise language. Be sure to explain any acronyms, jargon or words that may be difficult. Don't "talk down."
- Speak slowly enough that trainees can absorb the information, and don't be afraid of silence while waiting for trainees to answer questions.
- Check your body language and facial expression to be sure they are open and accepting. Position yourself so you face the trainees and give them your attention. Use good eye contact, smile.

- Be sure the trainees can see and hear you. If you have a naturally soft voice, practice speaking from your diaphragm and projecting to the back wall. Avoid blocking the view of your face with your notes or other items. Watch faces and ask trainees to be sure everyone can hear you.

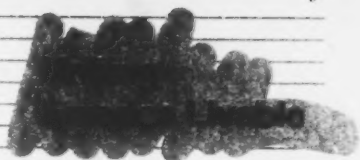
- Be responsive to the needs of individuals whose disabilities may affect vision, hearing, speech. Be sure a verbal description of every visual image is given. Verbally describe all such images. Have appropriate alternate format materials available. See that the individuals hosting the training makes arrangements for qualified notetakers or sign interpreters if there are trainees who need these services in order to benefit from the training. Allow sufficient time for trainees with speech impairments to participate in group discussions.

- Gear your presentation to adults' style of learning. Be sure the trainees draw on their own experiences in the training. Help them see how the ADA information you are sharing is important, relevant and useful to them personally. Give opportunities to learn by doing. Establish trust and credibility and work to see that the atmosphere encourages participation and risk-taking.

- Encourage questions and, whenever possible, reinforce prior information.

- Establish your credibility. Don't be afraid to say "I don't know," but do research the question and get back to the trainee(s) with the answer.

- Watch pacing and check for signs you may be losing the audience. Speak slowly enough for trainees to be able to absorb the information and repeat information, if necessary, in simpler terms to aid comprehension. If trainees are becoming restless, take a "seventh inning stretch" or a break. If bored, shift to another activity. Ask for feedback directly (but be willing to hear the answers!).



- Review frequently.
It has been shown that people learn best when there are repeated reviews at intervals over a period of time. Try to use the "Mini-Reviews" which appear throughout the training or to insert review questions where you feel they fit the flow of your presentation.
- Show your enjoyment of the training and have fun!

Getting Feedback

There are many ways you can evaluate your training. Here are just a couple examples:

- Just before a break, ask trainees to state three things they have liked about the program so far. Then ask for three things they would like to see changed for next training group. Paraphrase responses and jot these on a flip chart. Don't defend or argue; simply thank trainees for their input.
- Before the training starts, tape a blank sheet of flip chart paper to the back wall of the training room or a wall in the break area. At the top, write "Talk Back." Make two columns, at the top of which you've written "Things I like about the training" and "Things I would change." Ask the advisors accompanying trainees to assist trainees during any of the breaks in writing their ideas under the columns. No one must sign their name, so this feedback will be anonymous. This immediate feedback will give you the chance to make some changes right now, if it seems they are needed.

Tips on Working as a Team

- Decide well ahead of time which of you will do what and mark your copies of the training manual accordingly.
- Alternate with your co-trainer in presenting sections of the training so trainees can hear a "different voice" from time to time.
- Be interactive. Even though you have decided tasks ahead of time with your co-trainer, when one of you is leading, the other

should feel comfortable to add comments. On the other hand, don't interrupt each other.

Roles and Characteristics of Trainers

Trainers must create an environment in which learning can take place. As a skilled trainer, you:

- help trainees feel good about themselves
- help trainees feel part of a group
- help trainees want to learn
- encourage trainees to try something new and to take risks
 - listen carefully
 - watch what is going on all around the room
- are sensitive and help trainees sense you can identify with them and their concerns
 - have a good sense of timing
 - are clear in what you present
- are flexible in your presentation, able to take advantage of spontaneous opportunities to encourage more learning
 - are available to your trainees
- show you have a positive feeling about learning
- have an appropriate sense of humor
- are aware of your body language and are comfortable with your personal style as a trainer
- are willing to be share things from your own experience
 - act as a good role model

As a trainer, you will do different things as follows:

Regarding Training Content

- Help the trainees see why the training is important and how it relates to their lives

- Explain the goals and objectives of the training, find out what the trainees expect and modify the training plan if necessary
- Relate the learning goals to practical, real-life experiences
- Check from time to time to see if the learning objectives are still important to the trainees' experiences
- Stay aware of the trainees' sense of achievement and involvement
- Watch and listen to trainees' personal reactions to the training and see if they are learning the important things the program is designed to teach

Regarding the Method

- Communicate clearly and simply with frequent repetition
- Involve trainees actively
- Use a variety of activities--short lecture, questions and answers, group problem-solving, role plays
- Use visual aids
- Provide repeated mini-reviews of the material

Regarding the Learning Environment

- Be sure to start and stop training sessions on time
- Come early to be sure room is set up correctly and equipment works
- Pay attention to the flow and timing of activities so you can adjust if necessary
- Help trainees feel this is a safe place to take risks, speak out, try out new skills
- Listen and respond to trainees' feelings, problems and viewpoints

- Thank trainees for their participation and their contributions
- Help individuals with problem-solving outside the group
- Draw into the discussion individuals trainees who may be hesitant to speak and be sure that everyone has a chance to speak and be heard; don't let one person take over and do all the talking
- Help move the discussion back on task if the group goes "off track" or gets too bogged down on little details or a long story that is not related to the learning tasks
- Be warm, friendly and responsive to trainees' needs
- See how trainees are reacting to the training
- Do mini-evaluations to help you decide if you need to choose another activity or modify a technique

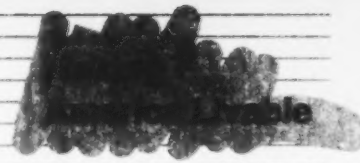
In conducting training, you will do different kinds of things. Sometimes you will be a presenter, sometimes you will facilitate an activity, sometimes you will lead a discussion.

As a presenter, you will:

- give trainees new information, give trainees feedback to things they say, summarize what was covered
- make certain information is given in a way that trainees understand how it relates to their real world experience

As a facilitator, you will:

- get trainees to share their own ideas and past experiences
- get others talking and participating
- involve the group in the learning process
- keep the discussion flowing and "on track"



- create a safe feeling so trainees will want to learn new things

As a discussion leader, you will:

- include each member of the group
- not "take sides" on a discussion issue, unless asked for your opinion
- ask the trainees questions, not make statements
- encourage trainees to share their own specific examples that relate to general ideas
- direct the discussion and help make sure the group stays on the subject
- facilitate the group members discussion points with each other
- define words, if necessary, so all trainees can equally understand
- explain points in simpler language for better understanding
- make sure points are summarized

Using Questions Effectively

Making America Liveable depends heavily on questions & answers and group discussions. The following defines the different purposes of questions and gives examples of types of questions and when to use them:

Purposes of Questions

- Help trainees understand the importance of a particular point
- Get trainees to think creatively
- Find out trainees' experience and knowledge of topic
- Test group's understanding of material
- Encourage trainees to begin applying new information

- Guide direction of discussion
- Draw participants into discussion
- Summarize material

Types of Questions

Direct your question to the whole group and try to get more than one answer.

Use this type to:

- open a discussion
- introduce something new about a topic
- give all trainees a chance to say what they think

Example:

"Where are the places you go for shopping?"

Address your question to a particular trainee

Use this type to:

- involve a trainee who has not said anything yet
- get information from a trainee who has particular knowledge or experience

Example:

"Alicia, what is one place where you like to go for fun?"

Refer a question from one trainee to the whole group or to one other trainee

Use this type to:

- encourage other trainees to get involved in the discussion
- involve someone who knows the answer or has an important perspective on the question

Example:

"What do the rest of you think about Jay's question?"

Bounce a question right back to the trainee who asked it

Use this type to:

- encourage the trainee who asked it to think about it and to apply the information to his or her own situation

- limit giving your own opinion

Example:

"Well, Sherry, is there something you could say to the store manager about that?"

Closed vs. Open Questions

It's also important to know the difference between "Closed Questions" and "Open Questions" and the ways these two types of questions can help trainees learn.

Closed Questions - can be answered in a few words.

Many begin with: Are, Can, Was, Did, Do, Which, When, etc.

Categories:

- Identification Questions
 - What kind of place is shown in this picture?
 - Who could you call for information?
- Selection Questions
 - Do you think this is a title II place or a title III place?
 - Is the ADA a law only in our state or in all of the United States?
- Yes/No Questions
 - Have you ever attended an ADA training program before?
 - Is the ADA only for people who use wheelchairs?

Open Questions - usually take more than a few words to be answered well.

Many begin with: How, What, Why, etc.

Categories:

- Subjective (Opinion) Questions
 - What do you think about...?
 - Why should Suzanne write down what happened?
- Objective (Fact) Questions
 - What does "A-D-A" stand for?
 - Who did James talk to about the problem at the restaurant?
- Problem-Solving Questions
 - What could Lateesha do now?
 - How would you respond if the blood bank did that to you?

(Adapted with permission, "Training of Trainers - Trainers Guide" copyright 1991 and "Training of Trainers - Participants Guide" copyright 1992, Legal Council for the Elderly, Washington, D.C.)

Being Sure Your Training is Accessible

Making America Liveable is meant to be used with individuals with mental retardation, the content, format and materials are designed to be easy to use. Large print and Brailled versions are available, and, included in each training program, is an audio version so copies can be dubbed for trainees who need or want the material in audio form.

There are other issues you need to address to be sure your training is accessible. For example, since some individuals with mental retardation may also have a physical or sensory disability, you should consider the physical accessibility of the facility where the training will be held. Since it is likely training may be held at a chapter of The Arc, another service provider or advocacy organization, it is likely the facility is a place of public accommodation.

The following checklist will be of help in evaluating the accessibility of your meeting site. Be aware there are different requirements for Existing Facilities and for New Construction and Alterations. Barrier removal in existing facilities must be done if readily achievable, i.e., easily accomplished without much difficulty or expense. Requirements for new construction or alterations dictate that facilities be designed and constructed so as to be readily accessible to and usable by individuals with disabilities. To understand how your facility is affected by either of these portions of the ADA title III, you are strongly advised to consult your DOJ title II and title III regulations, DOJ ADA information line and your DBTAC for information and other relevant publications. You may also wish to contact the Access Board, the federal agency responsible for developing the ADA Standards for Accessible Design. Both listings are found in Appendix B - Resources.

Disclaimer:

• The following checklist is not exhaustive. Affirmative answers to the questions on the list may not be interpreted as full and complete compliance with either barrier removal provisions or auxiliary aids and services provisions of the ADA title III. The ADA itself and the Department of Justice's ADA regulations should be consulted for further, more specific guidance.

• Since the training is designed for use with small groups of trainees, it is assumed that the meeting room will be of modest size. If, for some reason, an auditorium style room is being used, there will be other accessibility questions to answer. Again, contact the DOJ, your DBTAC and/or the Access Board for further information and assistance. Both listings are found in Appendix B - Resources.

Parking

Are there accessible parking spaces having a 5' wide level access aisle (8' for "van accessible") next to each space and are the spaces marked with signs indicating accessible parking?

Is the accessible parking close to an accessible entrance?

Sidewalks

Is the walkway to the entrance from the street or parking space at least 36" wide at all points?

Are there curb ramps at the corners in the parking lot or street, where there are changes in level along the walkway, and at passenger drop-off locations?

Entrance, Doors and Pathways

Note: Check outer doors of the facility as well as inner doors to the meeting room itself.

Is the main entry level or ramped at 1:12 or less?

Is the threshold beveled and no more than 3/4" high?

Is there at least one door into each space 32" minimum clear width?

Is there 18" of clear space on the pull side of the door?

If there are two sets of doors with a foyer, is there at least 48" between the two sets so that an individual using a wheelchair can maneuver between the doors without being hit by either set of doors?

Do ramps and stairs have handrails on both sides?

Do entrances that are not accessible have signs directing people to the accessible entrance?

Can the door handle be operated without tight gripping or twisting?

Is the pathway to the meeting room accessible (at least 36" wide at all points)?

Meeting Room - Communications

Are qualified sign interpreters, qualified note takers, assistive listening systems or other methods of communication assistance available if there are trainees with disabilities affecting hearing or speech for whom such auxiliary aids and services are necessary to ensure effective communication?

Are qualified interpreters/readers, audio tapes, Brailled materials, large print materials or other methods of making visually delivered materials available to ensure effective communication with trainees with visual impairments?

If providing such auxiliary aids and services would fundamentally alter the nature of the program or create an undue burden (significant difficulty or expense), is there an alternative method of ensuring effective communication with these trainees?

Signage and Emergency Alarms

Are toilet rooms identified with signs that include raised tactile letters and their Braille equivalents?

Is this tactile signage on the wall at 5' above the floor?

Restrooms

Is there an accessible pathway from the meeting room to the restrooms?

Does the restroom door provide at least 32" of clear opening width and is there at least 18" of clearance on the pull side of the door?

Can the door handle be operated with a closed fist?

Is the door threshold beveled and no more than 3/4" high?

Is there a 5' diameter/circle or "T turn" turning space within the restroom?

Are there grab bars behind and along the side of the toilet?

Is there clear floor space at the toilet that will permit use by a person using a wheelchair?

Is the toilet seat 17" to 19" inches above the floor?

Does the sink have 29" clearance in front from the floor to the bottom of the sink, and are the pipes under the sink insulated to prevent burns?

Is the faucet able to be operated with a closed fist?

Are the towel dispenser and other amenities located within accessible reach range (between 15" and 48" for forward reach and between 9" and 54" for side approach)?

Is there signage showing the location of the restrooms and signage showing "Mens" and "Womens" restrooms?

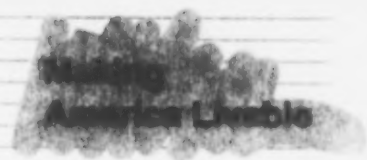
Drinking Fountains

Is there an accessible path of travel from the meeting room to the drinking fountains?

Is the spout no higher than 36" from the floor and is it located at the front of the unit?

Is the water flow at least 4" high so as to permit the filling of a cup or glass?

Is the handle able to be operated with one hand and without tight gripping or twisting?



Trainee Handouts

“ADA Help” Checklist

The following questions will help you use the ADA if you think you may be experiencing discrimination based on your disability:

1. In what kind of place did I experience discrimination? Who owns or operates this place?
2. What happened?
3. Was I treated differently because of my disability or for some other reason?
4. Who in my personal network can I talk to about this?
5. Where can I call to find out if this is an ADA problem and what to do next?
6. If nothing changes—if the discrimination keeps happening—what else can I do?

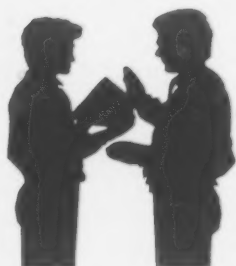
My Personal Network

My Name: _____



People I could ask for help:

A family member or friend



My self-advocacy group advisor

A staff member or volunteer at an agency



A friend

Someone at my job

Agencies I can call for help:



My local chapter of The Arc

Another agency or organization that helps me



My State's Protection and Advocacy agency



The Phone List



ADA Information Line

Disability & Business Technical
Assistance Center (DBTAC)
1-800-949-4232 Voice and TDD



Employment

Equal Employment
Opportunity Commission (EEOC)
1-800-669-4000 Voice
1-800-669-6820 TDD



State and Local
Government Services

Department of Justice
1-800-514-0301 Voice
1-800-514-0383 TDD



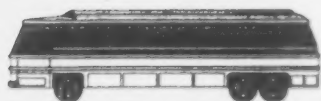
Business and
Service Agencies

Department of Justice
1-800-514-0301 Voice
1-800-514-0383 TDD



Telecommunications

Federal Communication
Commission (FCC)
1-888-225-5322 Voice & TDD



Transportation

Department of Transportation
1-800-949-4232 Voice & TDD



Air Travel

Aviation Consumer Protection Division
202-366-5957 Voice
202-755-7687 TDD



Housing

HUD Fair Housing Clearinghouse
1-800-343-3442 Voice
1-800-483-2209 TDD

Using the ADA Information Coupons

You can help businesses follow the Americans with Disabilities Act (ADA) by using the attached "ADA Information Coupons." The coupons give important information about the ADA. Cut out the coupons and give them to stores, restaurants, banks, gas stations, libraries, recreation centers, and other places where people go to buy things, do activities or get services.

Title III of the ADA says that businesses may not discriminate against people with disabilities just because they have disabilities. The word discriminate means to be treated differently for an unfair reason. Title III says there are some changes stores, restaurants and other businesses have to make. These changes will help people with disabilities shop, eat out, and do different activities, just like other people.

Title II of the ADA says that state and local government services also may not discriminate against people with disabilities because they have disabilities. State and local government services are places run by the cities, counties, states, etc. These services include many kinds of places—places like a public library, a city park and recreation center, a stadium, a poll where you go to vote, a state campground, a public school, a county courthouse, a city hall, a state legislature, and many other places operated by state or local governments.

The "ADA Information Coupons" tell businesses and other organizations to call the U.S. Department of Justice's ADA Hotline. The call doesn't cost anything, because the hotline is a toll-free number. The Department of Justice helps businesses and other organizations know what they must do to follow the ADA. The Department of Justice is also where a person with a disability can call if he or she wants more information or wants to file a complaint against a business or a state or local government service.

The coupons also give other toll-free numbers of places that can give ADA information and help. There are 10 Disability and Business Technical Assistance Centers (DBTACS) that can help businesses and people understand the ADA. The Access Board can help businesses learn what changes they may need to make to their buildings. The Internal Revenue Service (IRS) can help businesses learn how to save on their taxes while they follow the ADA rules.

Here's how to use the coupons:

- Cut the coupons apart on the dotted line.
- Carry the coupons in your wallet, purse, or car so they will be handy.
- Give the coupons to places where you go to shop, do activities or get services. Try to give the coupon to the manager or the person in charge.
- Tell the manager to use the coupon to get free information about the Americans with Disabilities Act. Tell the manager why you are taking time to give him or her the coupon.

Here is an idea of what you could say to the manager:

"I'd like to give you this free information coupon paid for by funding from the U.S. Department of Justice. The coupon can help you make it easier for people with disabilities to shop here or do activities here or get services here. The coupon gives you toll-free numbers to call for help on following the Americans with Disabilities Act. I want to help you follow the ADA so people with disabilities can spend their money here to shop or do activities or get services just like your other customers."

The
Arc

Like to attract over 54 million new customers?



The Americans with Disabilities Act (ADA) is for the 54 million Americans with disabilities who want to buy goods and services, and to access public programs and services.

- As a state or local government office, agency, department or service, you can obtain free information and technical assistance on title II of the ADA.
- As the owner/manager of a restaurant, store, service establishment, hotel/motel or other place of public accommodation, you can obtain free information and technical assistance on title III of the ADA.

**Contact the U.S. Dept. of Justice
Toll-free ADA Information Line**
800-514-0301 Voice
800-514-0383 TDD

Technical assistance and printed materials about the law--some also in Spanish--are available in alternate formats

Like to attract over 54 million new customers?



The Americans with Disabilities Act (ADA) is for the 54 million Americans with disabilities who want to buy goods and services, and to access public programs and services.

- As a state or local government office, agency, department or service, you can obtain free information and technical assistance on title II of the ADA.
- As the owner/manager of a restaurant, store, service establishment, hotel/motel or other place of public accommodation, you can obtain free information and technical assistance on title III of the ADA.

**Contact the U.S. Dept. of Justice
Toll-free ADA Information Line**
800-514-0301 Voice
800-514-0383 TDD

Technical assistance and printed materials about the law--some also in Spanish--are available in alternate formats

Like to attract over 54 million new customers?



The Americans with Disabilities Act (ADA) is for the 54 million Americans with disabilities who want to buy goods and services, and to access public programs and services.

- As a state or local government office, agency, department or service, you can obtain free information and technical assistance on title II of the ADA.
- As the owner/manager of a restaurant, store, service establishment, hotel/motel or other place of public accommodation, you can obtain free information and technical assistance on title III of the ADA.

**Contact the U.S. Dept. of Justice
Toll-free ADA Information Line**
800-514-0301 Voice
800-514-0383 TDD

Technical assistance and printed materials about the law--some also in Spanish--are available in alternate formats

Like to attract over 54 million new customers?



The Americans with Disabilities Act (ADA) is for the 54 million Americans with disabilities who want to buy goods and services, and to access public programs and services.

- As a state or local government office, agency, department or service, you can obtain free information and technical assistance on title II of the ADA.
- As the owner/manager of a restaurant, store, service establishment, hotel/motel or other place of public accommodation, you can obtain free information and technical assistance on title III of the ADA.

**Contact the U.S. Dept. of Justice
Toll-free ADA Information Line**
800-514-0301 Voice
800-514-0383 TDD

Technical assistance and printed materials about the law--some also in Spanish--are available in alternate formats

Like to attract over 54 million new customers?



The Americans with Disabilities Act (ADA) is for the 54 million Americans with disabilities who want to buy goods and services, and to access public programs and services.

- As a state or local government office, agency, department or service, you can obtain free information and technical assistance on title II of the ADA.
- As the owner/manager of a restaurant, store, service establishment, hotel/motel or other place of public accommodation, you can obtain free information and technical assistance on title III of the ADA.

**Contact the U.S. Dept. of Justice
Toll-free ADA Information Line**
800-514-0301 Voice
800-514-0383 TDD

Technical assistance and printed materials about the law--some also in Spanish--are available in alternate formats

Like to attract over 54 million new customers?



The Americans with Disabilities Act (ADA) is for the 54 million Americans with disabilities who want to buy goods and services, and to access public programs and services.

- As a state or local government office, agency, department or service, you can obtain free information and technical assistance on title II of the ADA.
- As the owner/manager of a restaurant, store, service establishment, hotel/motel or other place of public accommodation, you can obtain free information and technical assistance on title III of the ADA.

**Contact the U.S. Dept. of Justice
Toll-free ADA Information Line**
800-514-0301 Voice
800-514-0383 TDD

Technical assistance and printed materials about the law--some also in Spanish--are available in alternate formats

ADA Technical Assistance

U.S. Department of Justice
Toll-free ADA Information Line
800-514-0301 Voice
800-514-0383 TDD

- **Dept. of Justice ADA web site:** <http://www.usdoj.gov/crt/ada/adahom1.htm>
- **Dept. of Justice Fax-on-Demand:** Various ADA materials available 24-hours per day via fax at the above toll-free telephone numbers.
- **Regional Disability & Business Technical Assistance Centers** Toll-free ADA Hotline. 800-949-4232 Voice & TDD
- **Access Board:** Specifications on ADA compliance. 800-872-2253 Voice, 800-993-2822 TDD
- **Internal Revenue Service:** Information on federal disability-related tax credits and deductions for business. 800-829-1040 Voice, 800-828-4059 TDD



The Arc of the United States, P.O.B. 1047, Arlington, Texas 76004
817-261-6003 (Voice), 817-277-0553 (TDD)
a national organization on mental retardation

ADA Technical Assistance

U.S. Department of Justice
Toll-free ADA Information Line
800-514-0301 Voice
800-514-0383 TDD

- **Dept. of Justice ADA web site:** <http://www.usdoj.gov/crt/ada/adahom1.htm>
- **Dept. of Justice Fax-on-Demand:** Various ADA materials available 24-hours per day via fax at the above toll-free telephone numbers.
- **Regional Disability & Business Technical Assistance Centers** Toll-free ADA Hotline. 800-949-4232 Voice & TDD
- **Access Board:** Specifications on ADA compliance. 800-872-2253 Voice, 800-993-2822 TDD
- **Internal Revenue Service:** Information on federal disability-related tax credits and deductions for business. 800-829-1040 Voice, 800-828-4059 TDD



The Arc of the United States, P.O.B. 1047, Arlington, Texas 76004
817-261-6003 (Voice), 817-277-0553 (TDD)
a national organization on mental retardation

ADA Technical Assistance

U.S. Department of Justice
Toll-free ADA Information Line
800-514-0301 Voice
800-514-0383 TDD

- **Dept. of Justice ADA web site:** <http://www.usdoj.gov/crt/ada/adahom1.htm>
- **Dept. of Justice Fax-on-Demand:** Various ADA materials available 24-hours per day via fax at the above toll-free telephone numbers.
- **Regional Disability & Business Technical Assistance Centers** Toll-free ADA Hotline. 800-949-4232 Voice & TDD
- **Access Board:** Specifications on ADA compliance. 800-872-2253 Voice, 800-993-2822 TDD
- **Internal Revenue Service:** Information on federal disability-related tax credits and deductions for business. 800-829-1040 Voice, 800-828-4059 TDD



The Arc of the United States, P.O.B. 1047, Arlington, Texas 76004
817-261-6003 (Voice), 817-277-0553 (TDD)
a national organization on mental retardation

ADA Technical Assistance

U.S. Department of Justice
Toll-free ADA Information Line
800-514-0301 Voice
800-514-0383 TDD

- **Dept. of Justice ADA web site:** <http://www.usdoj.gov/crt/ada/adahom1.htm>
- **Dept. of Justice Fax-on-Demand:** Various ADA materials available 24-hours per day via fax at the above toll-free telephone numbers.
- **Regional Disability & Business Technical Assistance Centers** Toll-free ADA Hotline. 800-949-4232 Voice & TDD
- **Access Board:** Specifications on ADA compliance. 800-872-2253 Voice, 800-993-2822 TDD
- **Internal Revenue Service:** Information on federal disability-related tax credits and deductions for business. 800-829-1040 Voice, 800-828-4059 TDD



The Arc of the United States, P.O.B. 1047, Arlington, Texas 76004
817-261-6003 (Voice), 817-277-0553 (TDD)
a national organization on mental retardation

ADA Technical Assistance

U.S. Department of Justice
Toll-free ADA Information Line
800-514-0301 Voice
800-514-0383 TDD

- **Dept. of Justice ADA web site:** <http://www.usdoj.gov/crt/ada/adahom1.htm>
- **Dept. of Justice Fax-on-Demand:** Various ADA materials available 24-hours per day via fax at the above toll-free telephone numbers.
- **Regional Disability & Business Technical Assistance Centers** Toll-free ADA Hotline. 800-949-4232 Voice & TDD
- **Access Board:** Specifications on ADA compliance. 800-872-2253 Voice, 800-993-2822 TDD
- **Internal Revenue Service:** Information on federal disability-related tax credits and deductions for business. 800-829-1040 Voice, 800-828-4059 TDD



The Arc of the United States, P.O.B. 1047, Arlington, Texas 76004
817-261-6003 (Voice), 817-277-0553 (TDD)
a national organization on mental retardation

ADA Technical Assistance

U.S. Department of Justice
Toll-free ADA Information Line
800-514-0301 Voice
800-514-0383 TDD

- **Dept. of Justice ADA web site:** <http://www.usdoj.gov/crt/ada/adahom1.htm>
- **Dept. of Justice Fax-on-Demand:** Various ADA materials available 24-hours per day via fax at the above toll-free telephone numbers.
- **Regional Disability & Business Technical Assistance Centers** Toll-free ADA Hotline. 800-949-4232 Voice & TDD
- **Access Board:** Specifications on ADA compliance. 800-872-2253 Voice, 800-993-2822 TDD
- **Internal Revenue Service:** Information on federal disability-related tax credits and deductions for business. 800-829-1040 Voice, 800-828-4059 TDD



The Arc of the United States, P.O.B. 1047, Arlington, Texas 76004
817-261-6003 (Voice), 817-277-0553 (TDD)
a national organization on mental retardation

This is to certify that

*has completed The Arc of the United States'
"Making America Livable" training on the
Americans with Disabilities Act.*

Trainer's signature

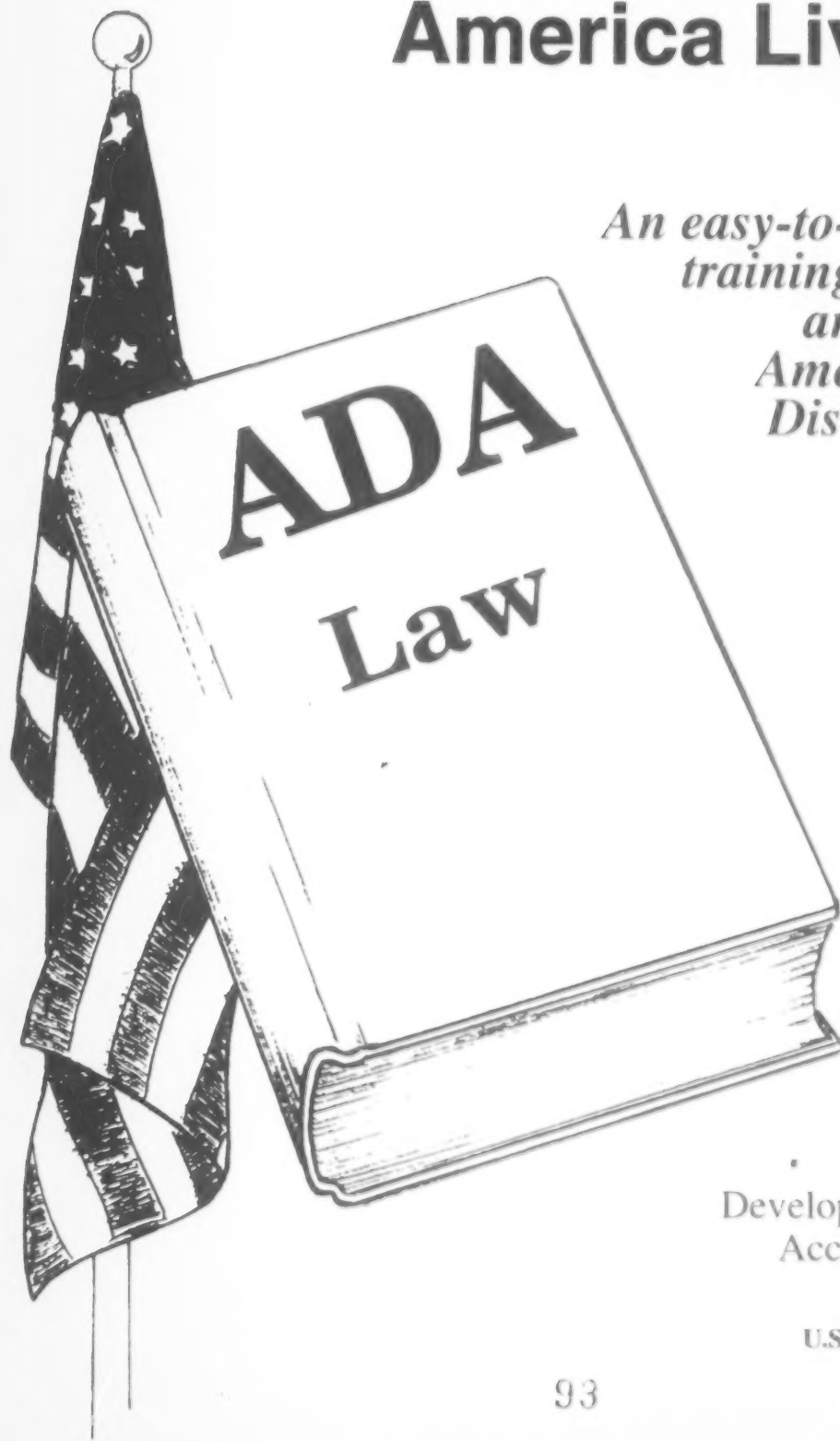
Date

**The
Arc**

Overhead Transparency Masters

Making America Livable

*An easy-to-understand
training on titles II
and III of the
Americans with
Disabilities Act*



**The
Arc**

*a national organization
on mental retardation*

Developed by The Arc's
Access ADA project

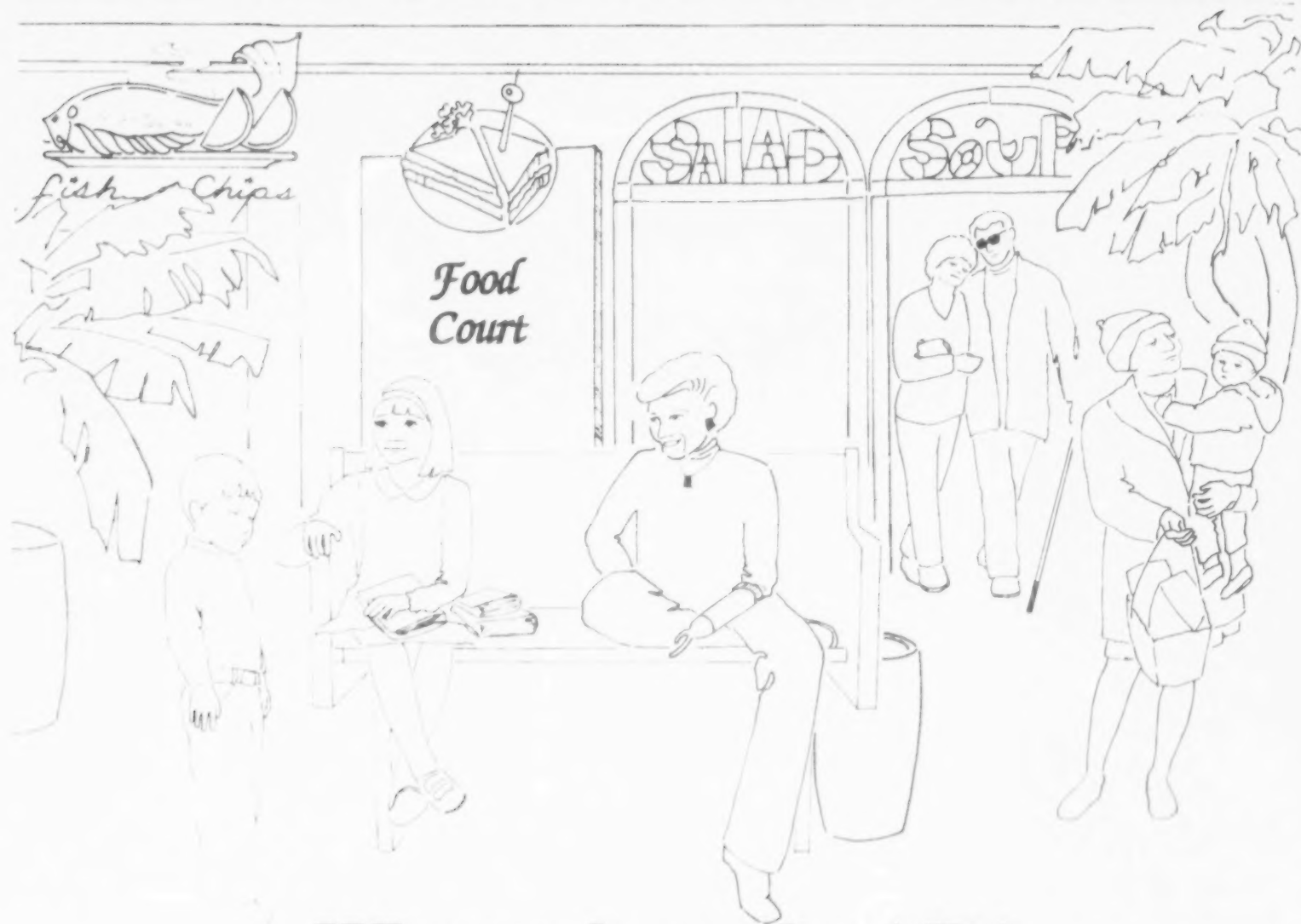
funded in full by the
U.S. Department of Justice

Acme Enterprises

Why we have the ADA

**To stop discrimination
based on disability**





Why we have the ADA

To help people with disabilities
do the same kinds of things as everyone else

**The ADA gives rights to
a person
with a...**

Physical disability

or

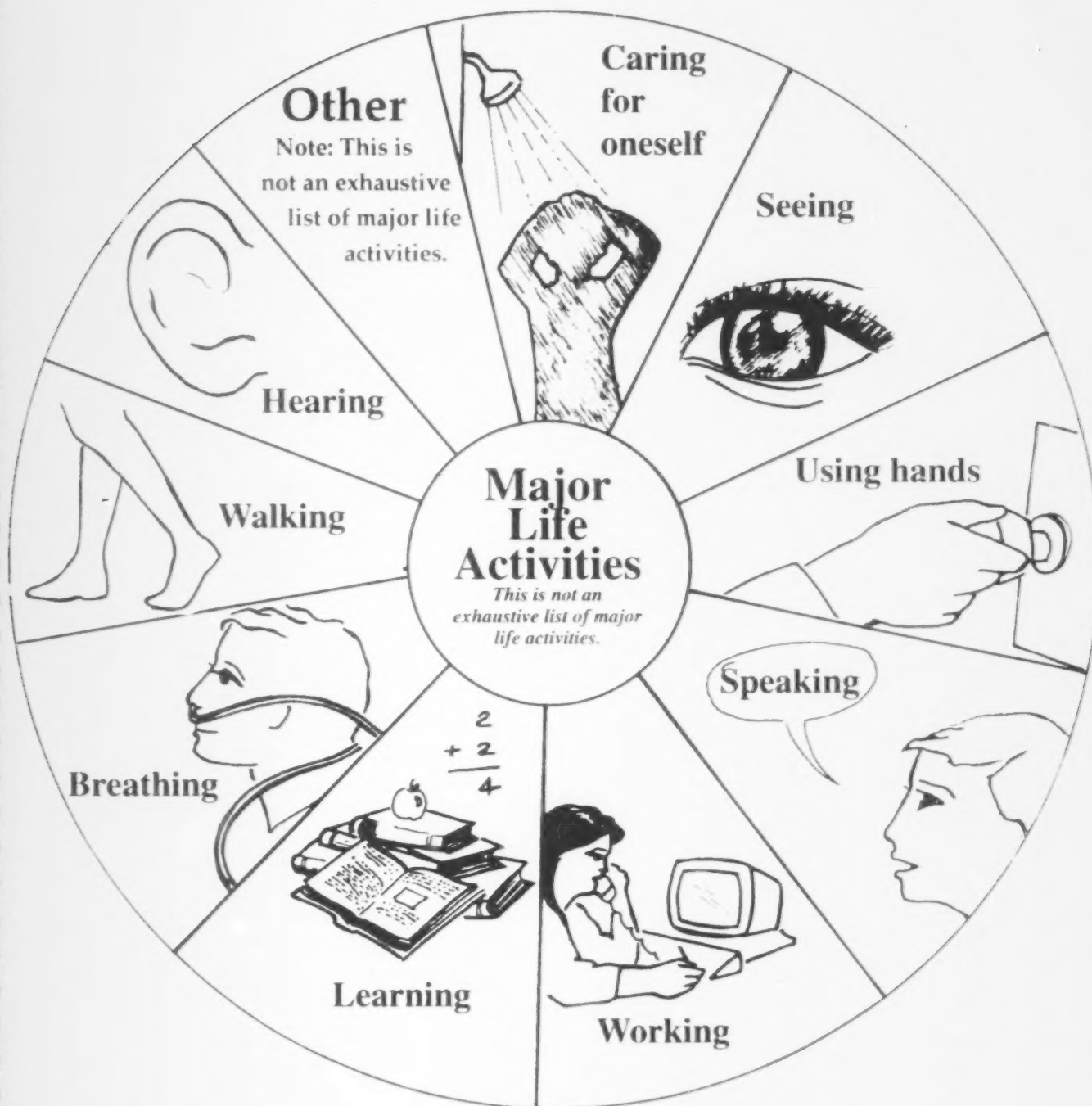


**Mental
disability...**

Adapted with permission,
PACER Center, Minneapolis, Minn.

4.

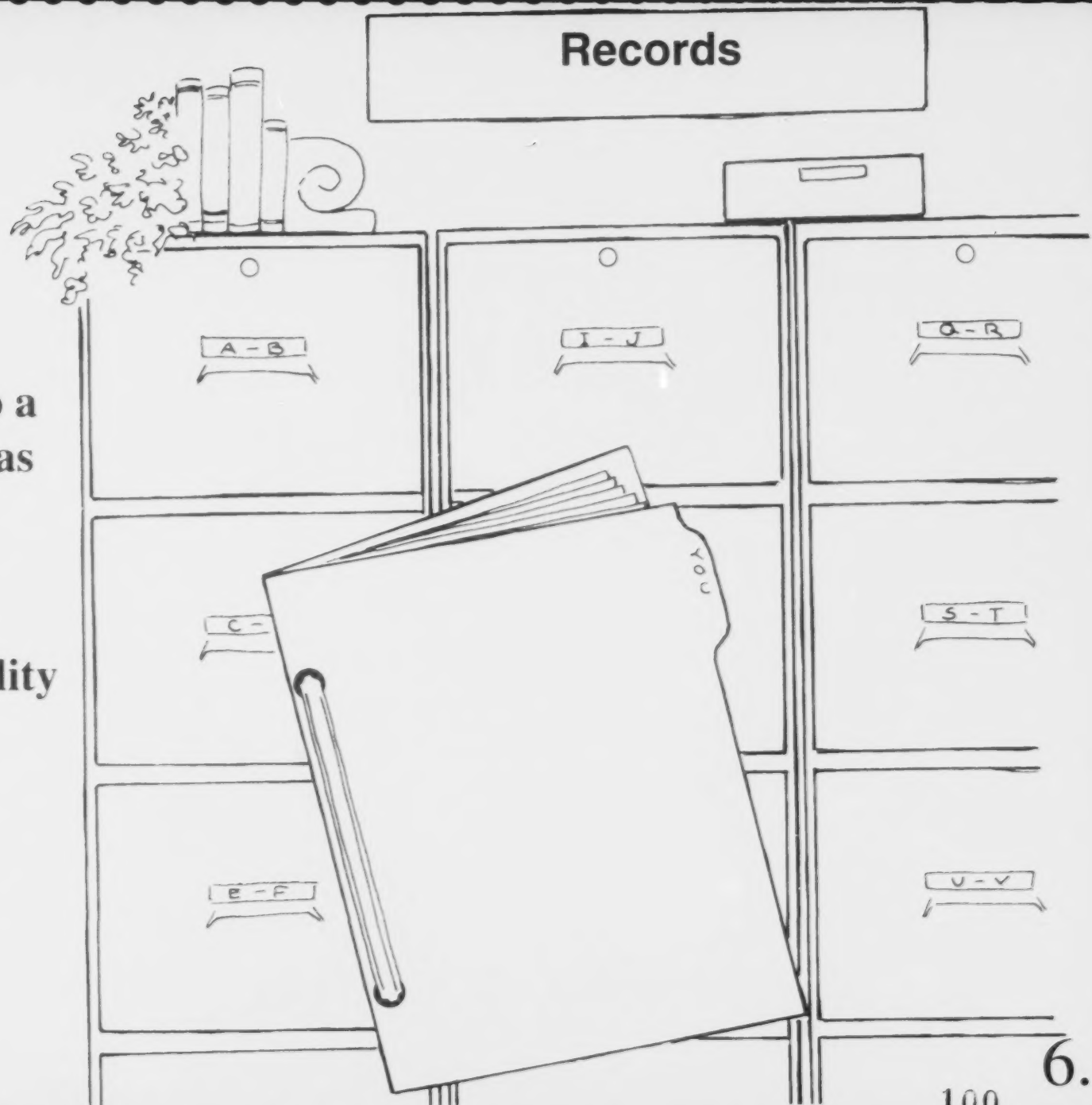
...who has a very hard time...



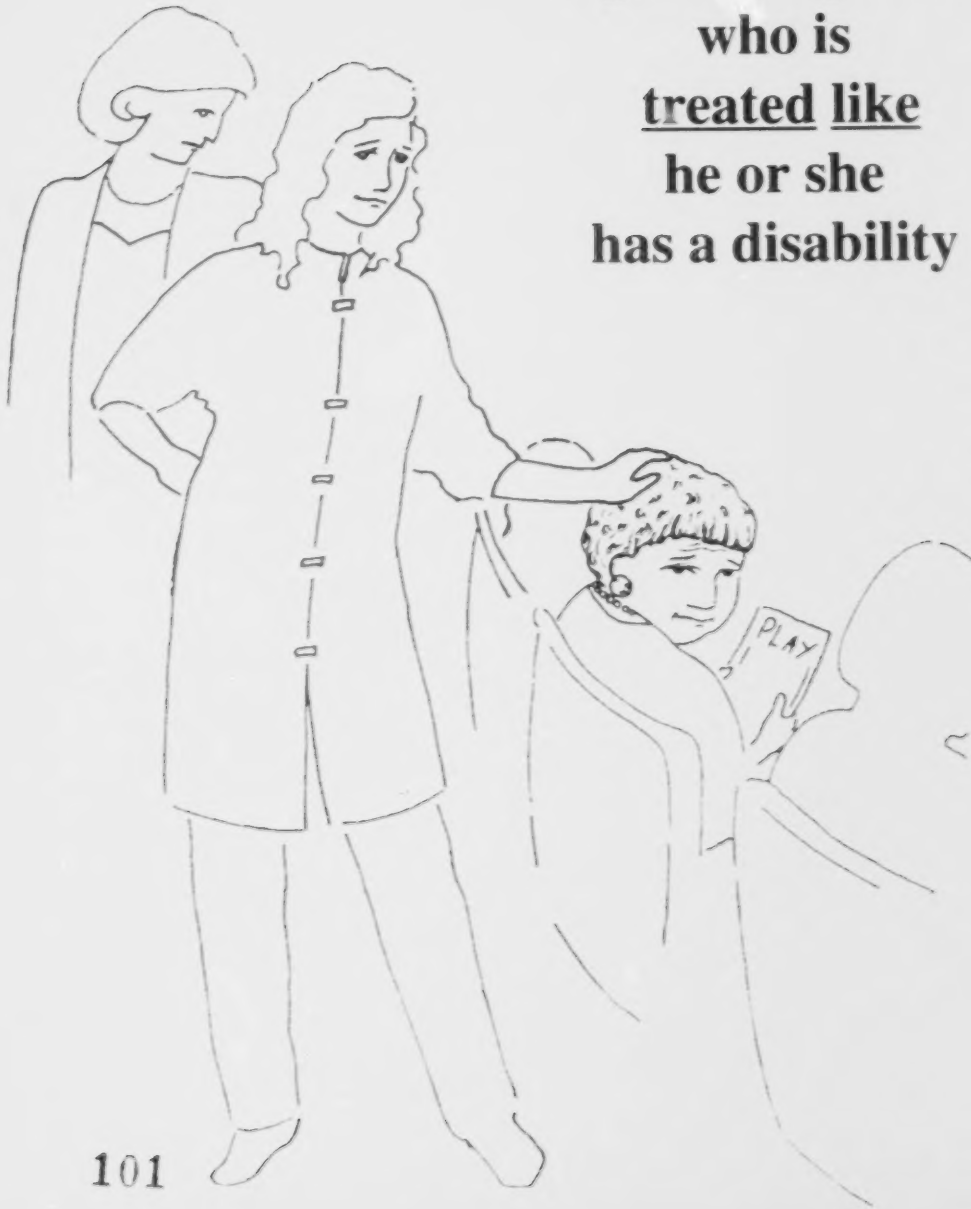
in one or more of these life activities

Adapted with permission,
PACER Center, Minneapolis, Minn.

The ADA
gives rights to a
person who has
a record
of having
a physical or
mental disability



The ADA gives
rights to a person
who is
treated like
he or she
has a disability



101



102

7.

**The ADA gives
rights to
a person who is
associated with
a person
who has
a disability**



The ADA is a law all over the U.S.



ADA Title I has rules about...

Applying for a job

Apply Now!!
We are looking for highly motivated self starters. All shifts available \$5.00 to \$10.00 per hour. Call for more info.

BOOK STORE
Friendly, knowledgeable bookseller needed. Eve. Wkends 20-25 hrs per week. Apply in person.

DOG GROOMER ?
All Breeds. Exp. req'd. Great salary.

100%
Degree Required/
Professional

All other
related
services

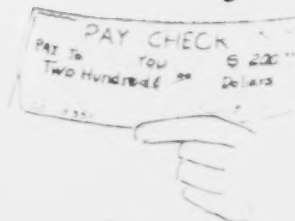
Hiring



Layoff/Firing



Pay



Working

Benefits



Moving up
into a
better job



Training



ADA Title II has rules about...

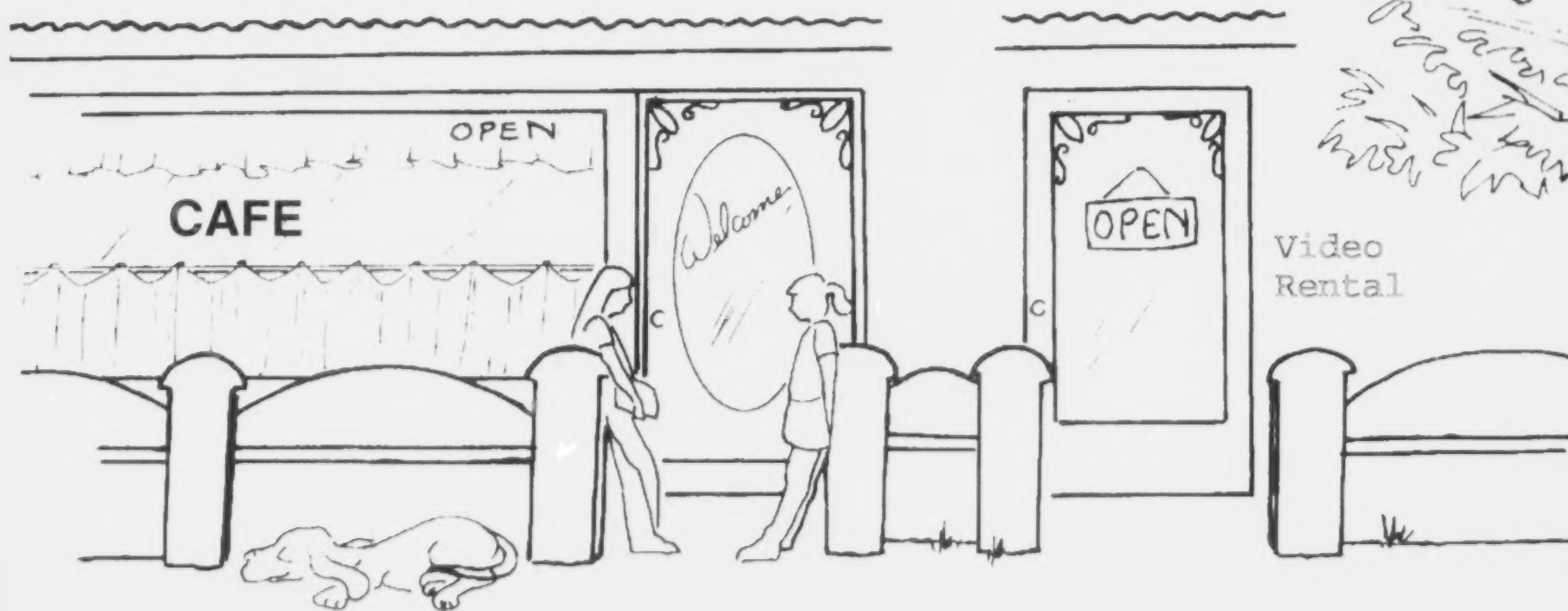
State and local government programs and services



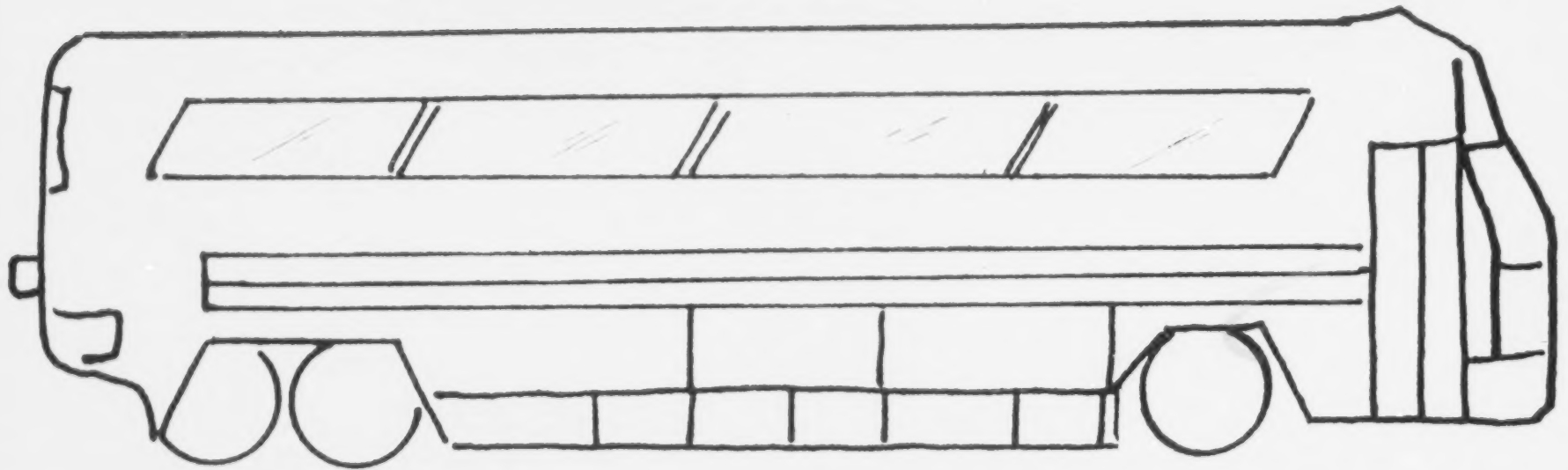
ADA Title III has rules about...

Stores, restaurants, etc.

(Public Accommodations)



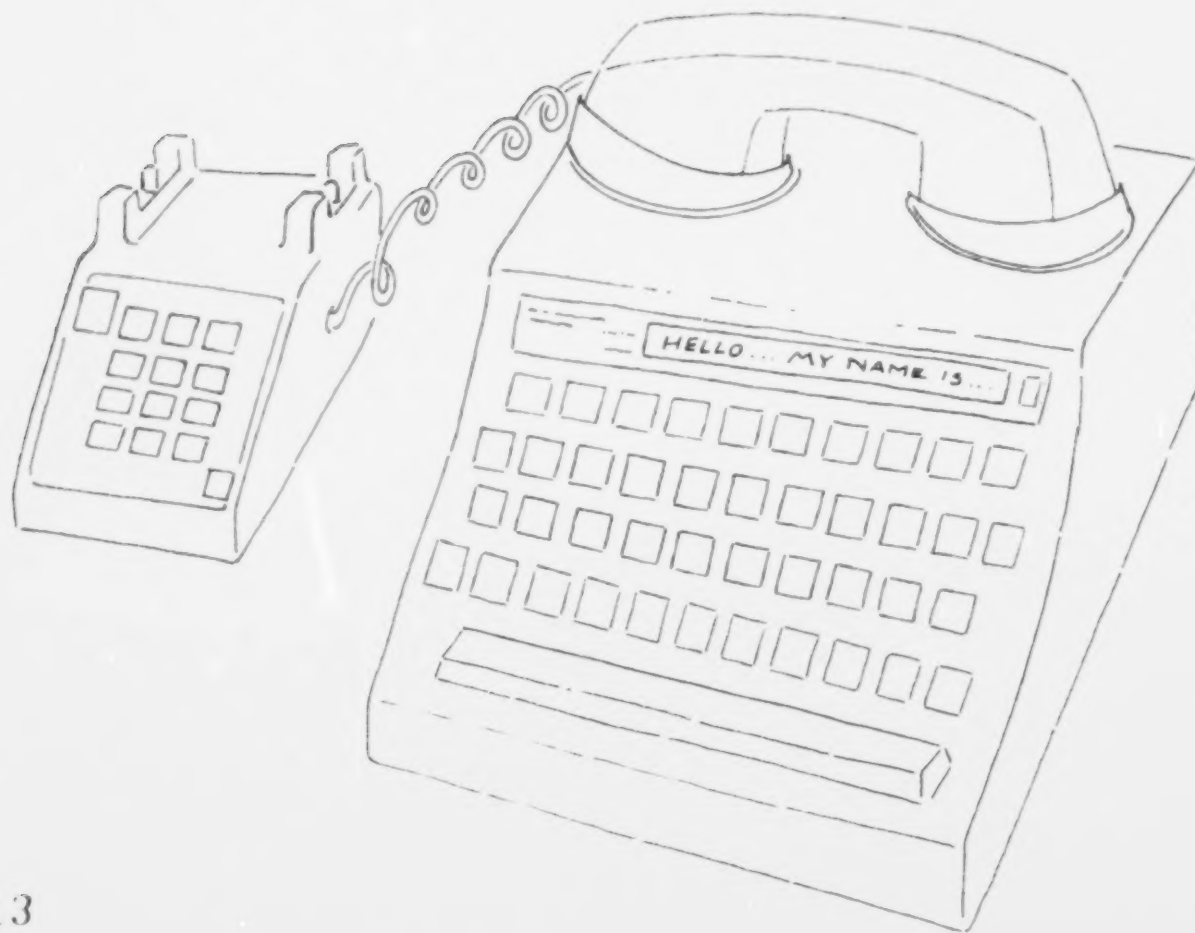
ADA Titles II and III have rules about...
Buses, trains, etc.

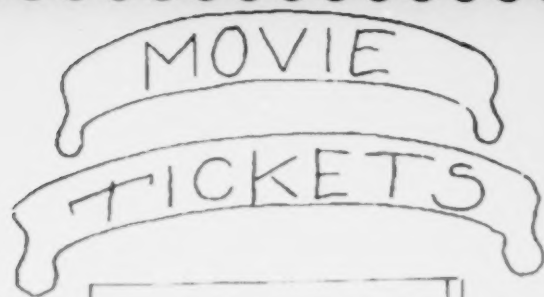


ADA Title IV has rules about...

Using phones

(for people who can't use regular phones due to their disability)





Basic ADA rules are about...
Treating people with
disabilities fairly

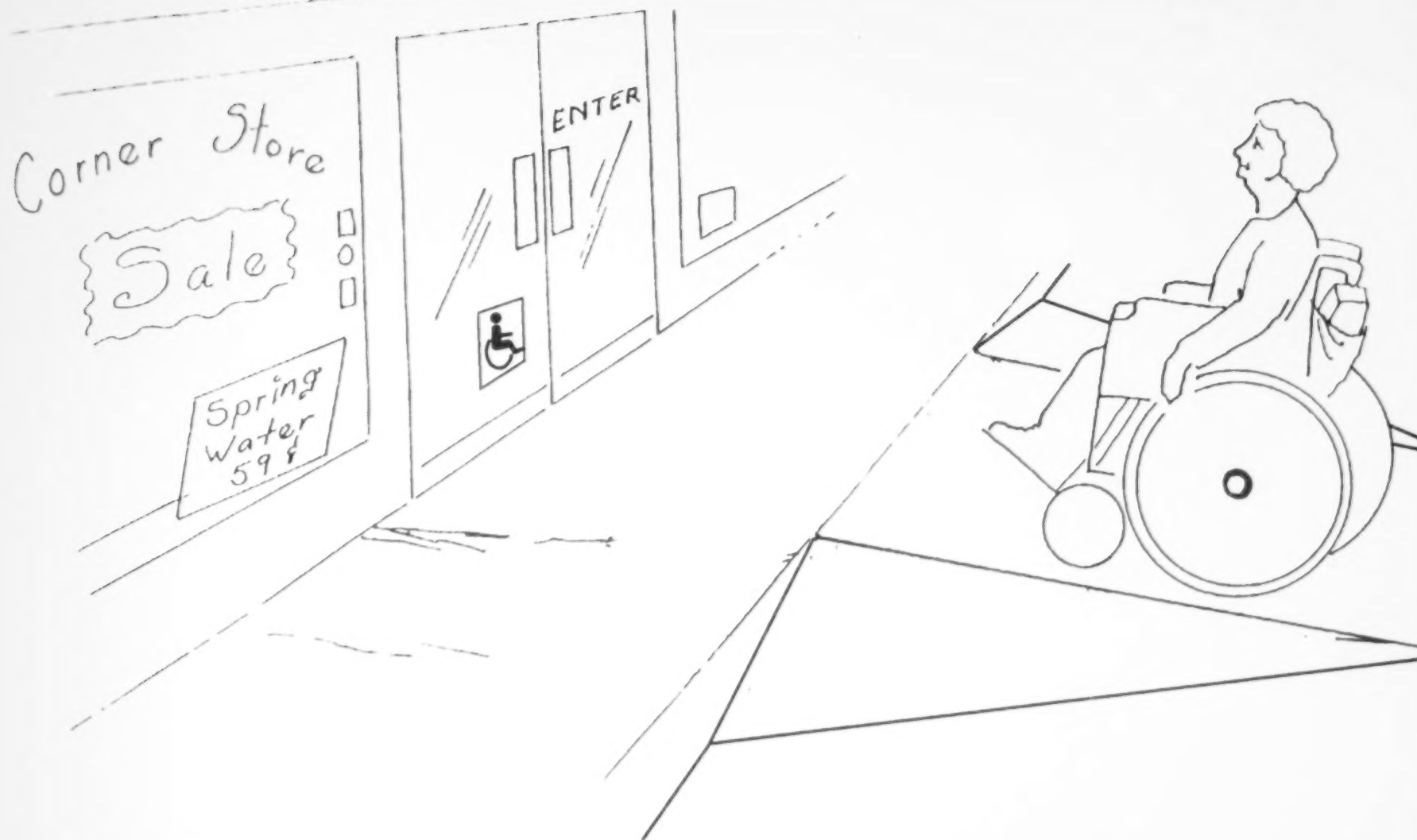


Making changes in the way places do things



Help with communicating





Making places easy to get into and use

**The teller won't let
Jeff cash a check.**



**Jeff tells his
self-advocacy
group advisor
what happened.**



**Jeff talks with the
bank manager.**



**The teller cashes
Jeff's check.**

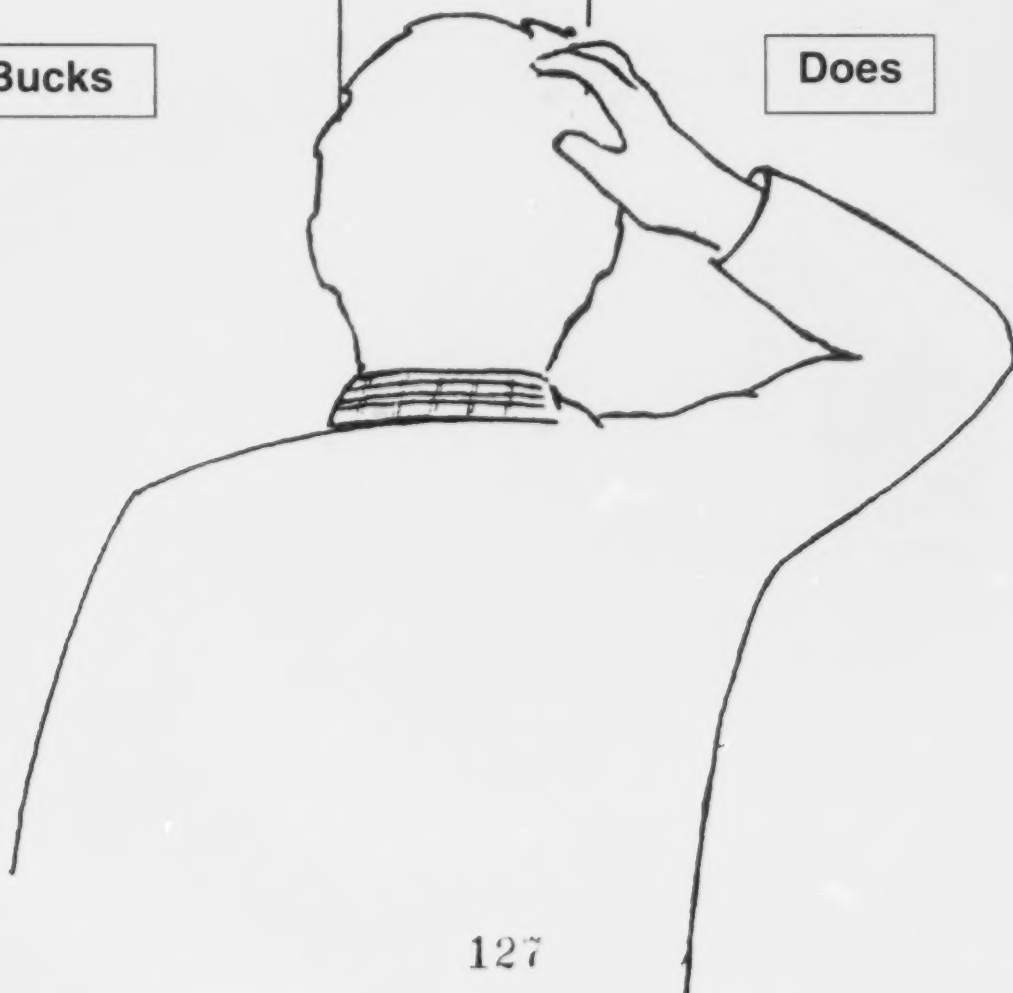


**James wonders which
restroom is for men.**

Restrooms

Bucks

Does





James and a staff member at an agency he knows call an ADA information service.



James and the restaurant manager look at the new signs
on the restrooms.



132



BABY CLOTHES & FURNITURE
PATIO FURNITURE
MEN'S CLOTHING
WOMEN'S CLOTHING
HOUSEWARES
AUTO PARTS
TOYS

Lateesha asks for help,
but the clerk doesn't
understand her.

133

25.



Lateesha talks to a friend who helps her find out about the ADA.

Lateesha and her friend talk to the manager.

The manager agrees to train the clerks to take time to understand and assist Lateesha.



Rose can't get in the store.

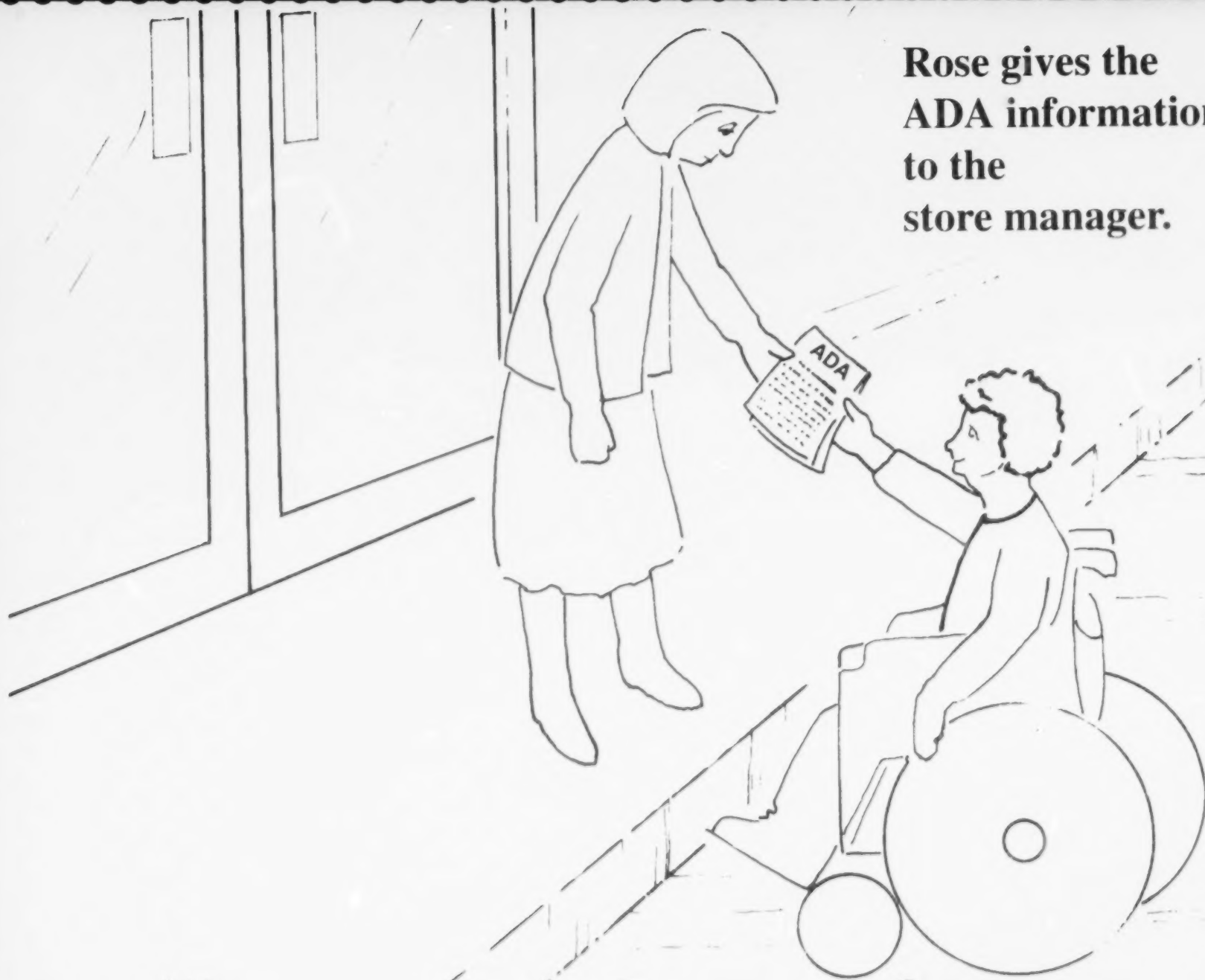


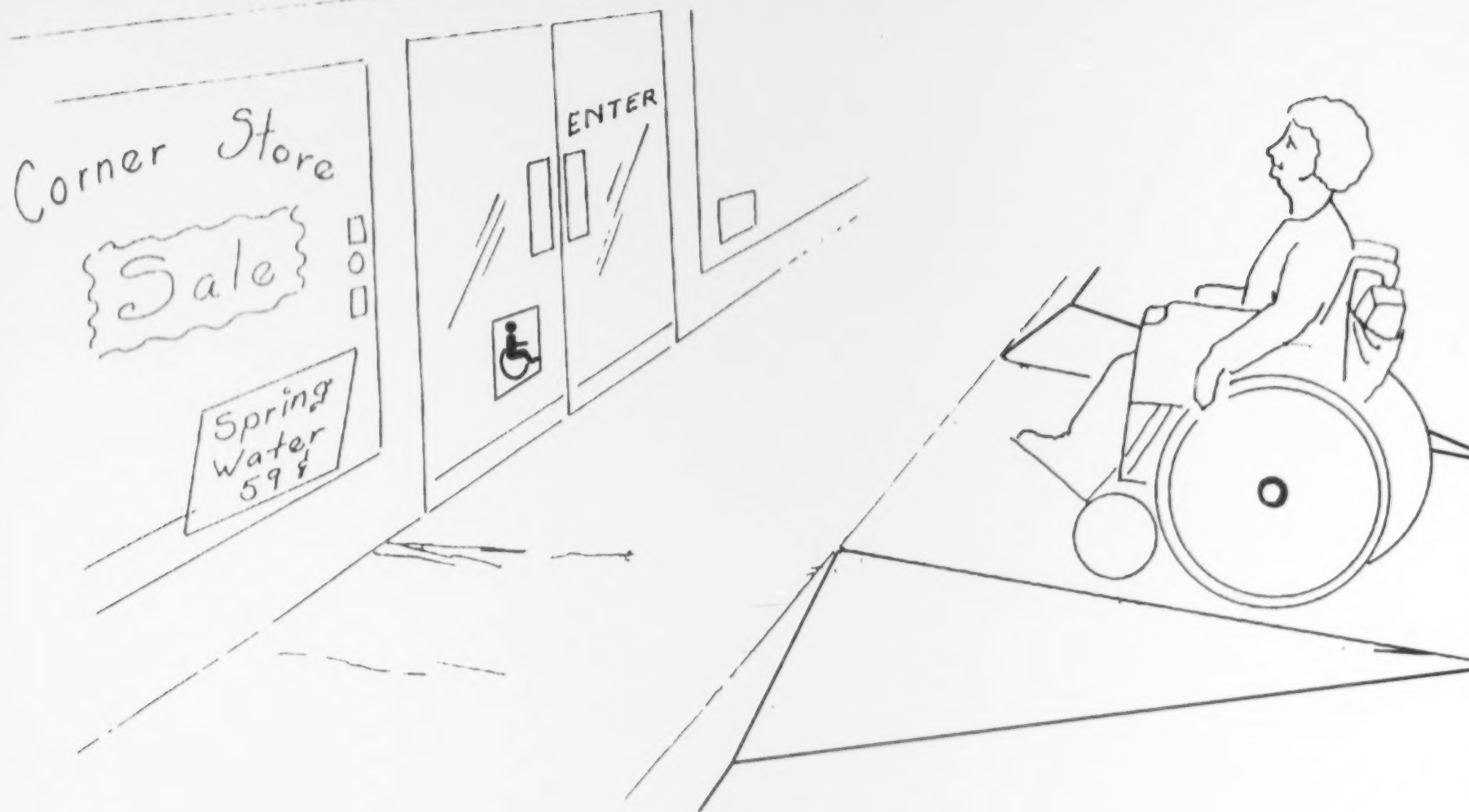
**Rose calls the store to talk
about the problem with
the curb.**



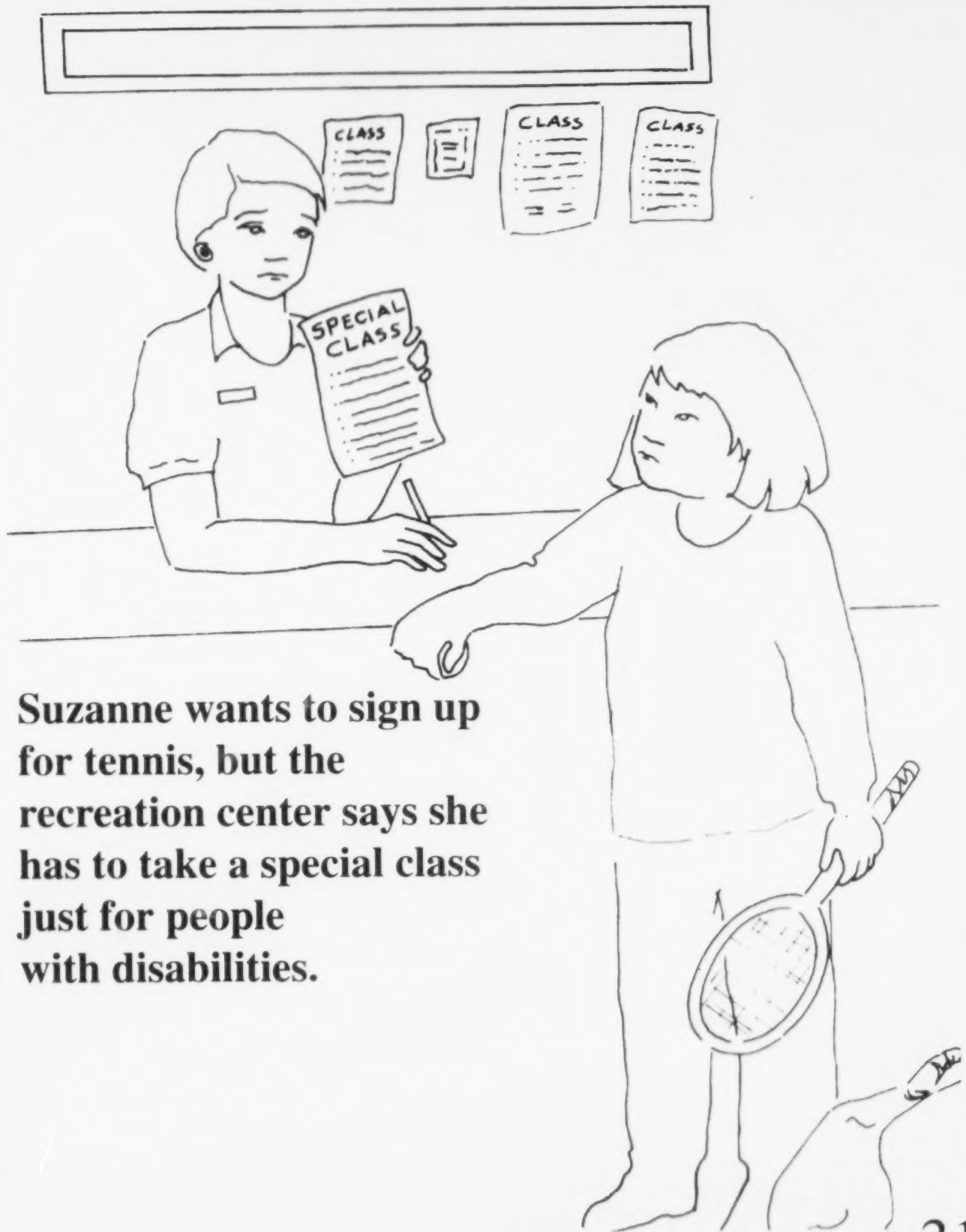
**Rose calls an ADA information service to ask them
to mail her information about the ADA.**

**Rose gives the
ADA information
to the
store manager.**



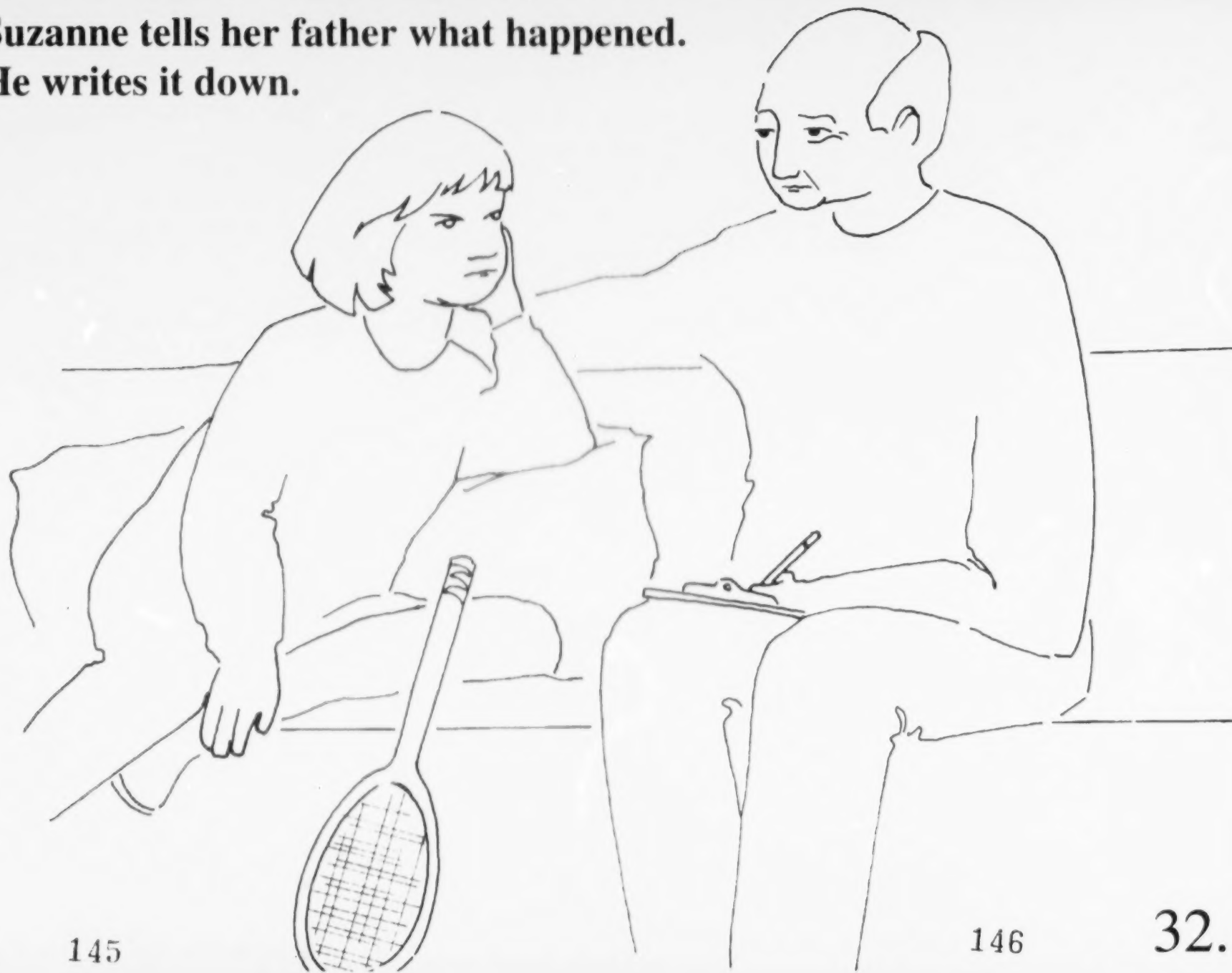


**The store builds a ramp.
Now Rose can get into the store.**



Suzanne wants to sign up for tennis, but the recreation center says she has to take a special class just for people with disabilities.

**Suzanne tells her father what happened.
He writes it down.**

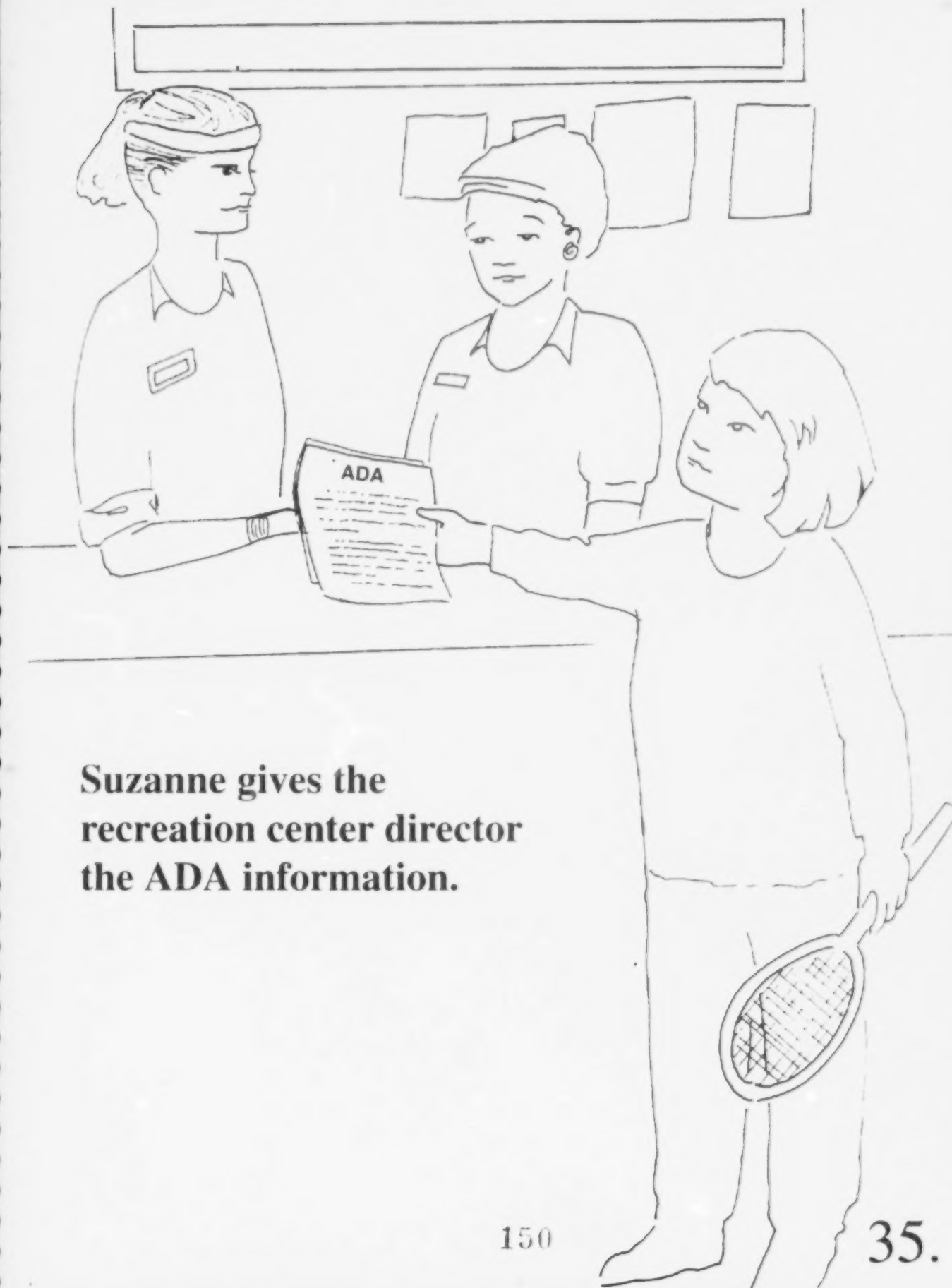


**Suzanne's father helps her call the
Department of Justice
ADA information hotline.**



**Suzanne receives some
information about the
ADA in the mail from the
Department of Justice.**





**Suzanne gives the
recreation center director
the ADA information.**

Corner Store

Sale

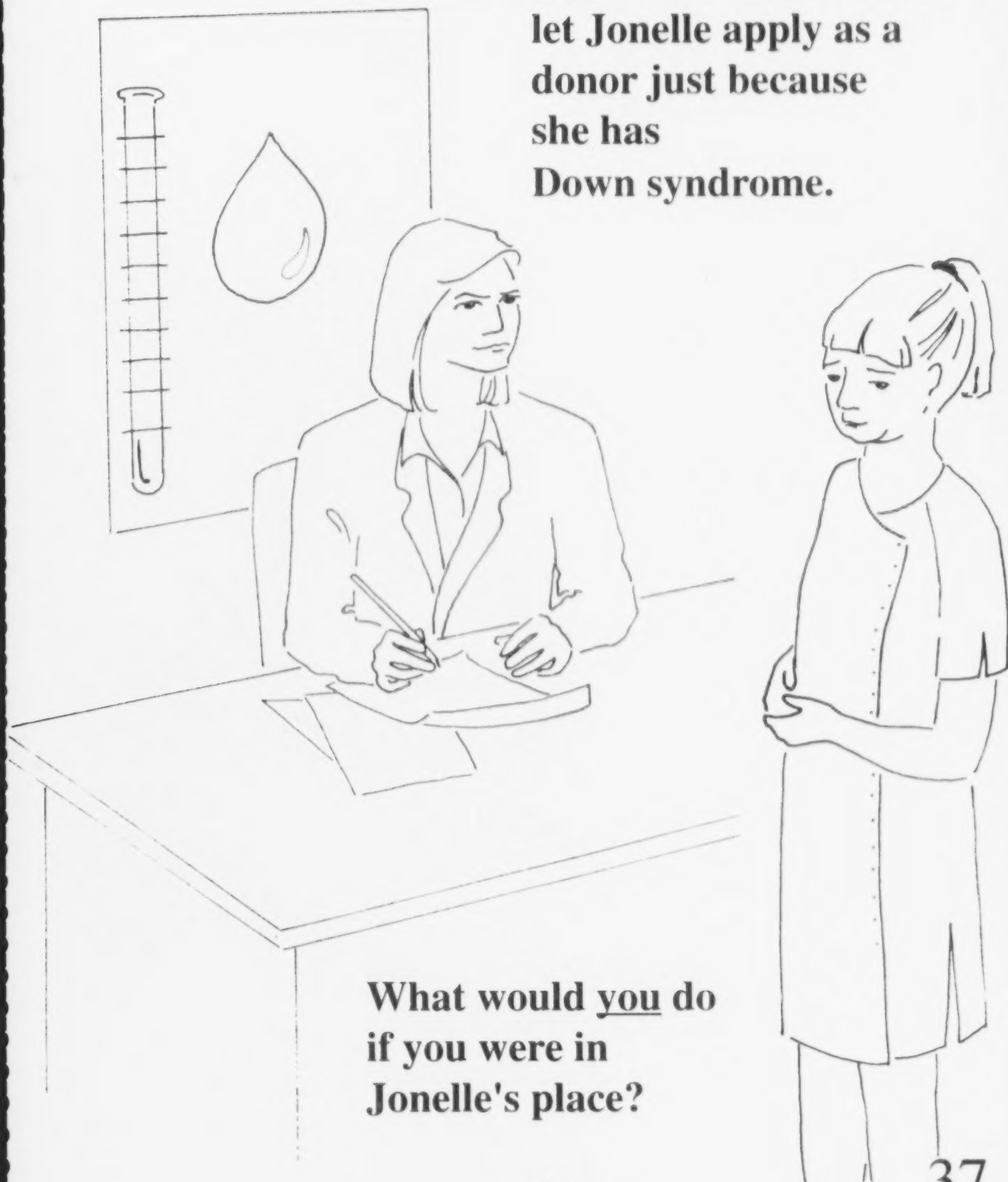
Spring
Water
59¢

When the recreation center does nothing about the problem, Suzanne calls the city's ADA coordinator to make a complaint.



ADA Coordinator

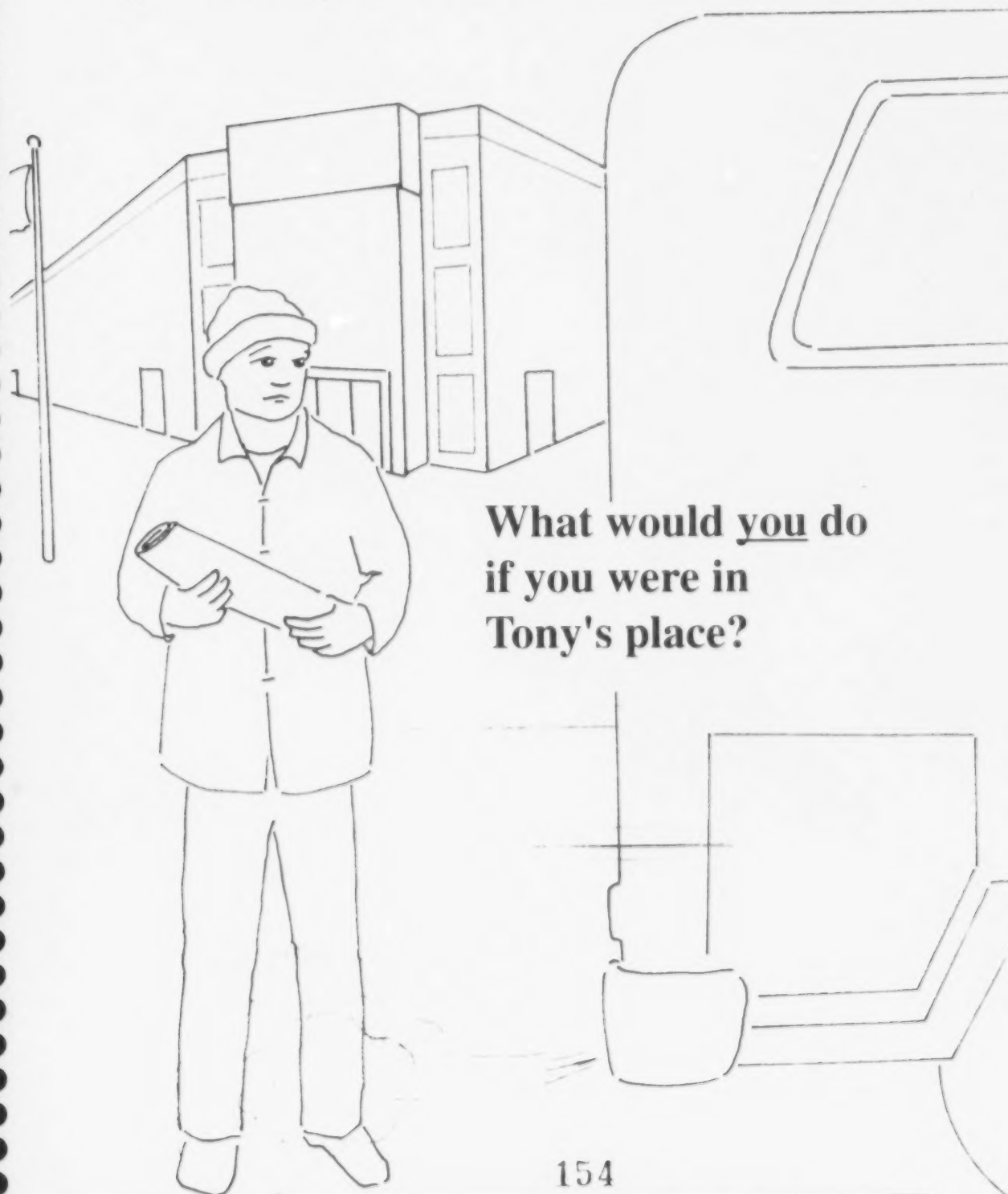
**The blood bank won't
let Jonelle apply as a
donor just because
she has
Down syndrome.**



**What would you do
if you were in
Jonelle's place?**

The bus driver won't stop for Tony.

The driver thinks Tony shouldn't be traveling by himself just because he has a disability.



**What would you do
if you were in
Tony's place?**